

# JUDICIAL COUNCIL MEETING

## AGENDA

May 19, 2025

Meeting held through Webex  
and in person

Matheson Courthouse – Council Room  
450 S State Street  
Salt Lake City, UT 84111

*Chief Justice Matthew B. Durrant, Presiding*

1. 9:00 a.m. Welcome & Approval of Minutes.....Chief Justice Matthew B. Durrant  
(TAB 1 - Action)
2. 9:05 a.m. Chair’s Report.....Chief Justice Matthew B. Durrant  
(Information)
3. 9:10 a.m. State Court Administrator’s Report.....Ron Gordon  
(Information)
4. 9:20 a.m. Reports: Management Committee.....Chief Justice Matthew B. Durrant  
Budget and Fiscal Management Committee.....Judge Rita Cornish  
Liaison Committee.....Judge Thomas Low  
Policy, Planning, and Technology Committee.....Judge James Gardner  
Bar Commission.....Katie Woods, esq.  
(TAB 2 – Information)
5. 9:30 a.m. Board of Juvenile Court Judges Report.....Judge Steven Beck  
(TAB 3 – Information) Sonia Sweeney
6. 9:40 a.m. Budget and Grants.....Karl Sweeney  
(TAB 4 – Information) Alisha Johnson  
Ron Gordon  
Neira Siaperas  
Jordan Murray  
Tucker Samuelson  
Bart Olsen

7. 10:00 a.m. CJA Rule 4-202.08 Amendment.....Ron Gordon  
(TAB 5 – Action) Neira Siaperas
  
8. 10:05 a.m. Committee on Resources for Self-Represented.....Judge Richard  
Mrazik (TAB 6 – Information) Parties Report Janine Liebert
  
9. 10:15 a.m. HR Policy Amendments for Approval.....Bart Olsen  
(TAB 7 – Action) Jeremy Marsh
  
10. 10:30 a.m. Board of Justice Court Judges Report.....Judge Clay Stucki  
(Information) Jim Peters
  
- 10:45 a.m. Break**
  
11. 10:55 a.m. ADR Committee Report.....Judge Adam Mow  
(TAB 8 – Information) Nini Rich
  
12. 11:05 a.m. Board of Appellate Court Judges.....Judge Michele Christiansen Forster  
(Information) Report Nick Stiles
  
13. 11:15 a.m. Treatment Court Certification Update.....Katy Burke  
(TAB 9 – Action)
  
14. 11:20 a.m. 4<sup>th</sup> District Treatment Court Application.....Judge Douglas Nielsen  
(TAB 10 – Action) Shelly Waite  
Katy Burke
  
15. 11:30 a.m. Treatment Court Recertifications.....Cris Seabury  
(TAB 11 – Action) Katy Burke
  
16. 11:40 a.m. Old Business / New Business.....All  
(Discussion)
  
17. 11:50 a.m. Consent Calendar.....Chief Justice Matthew B. Durrant  
(Action)

18. 11:55 a.m. 2<sup>nd</sup> District Domestic Relations Commissioner.....Ron Gordon  
(Action) Appointment
19. 12:00 p.m. Executive Session.....Chief Justice Matthew B. Durrant
20. 12:10 p.m. Adjourn.....Chief Justice Matthew B. Durrant

### **Consent Calendar**

1. Ethics Advisory Committee Appointments  
(TAB 12)
2. Tribal Liaison Committee Appointments  
(TAB 13)

Tab 1



**JUDICIAL COUNCIL MEETING**  
**Minutes**

**April 28, 2025**

**Meeting held through Webex  
and in person**

**Matheson Courthouse - Council Room  
450 S State Street  
Salt Lake City, UT 84111**

**9:00 a.m. – 2:25 p.m.**

***Chief Justice Matthew B. Durrant, Chair, Presiding***

**Members:**

Chief Justice Matthew B. Durrant, Chair  
Hon. David Mortensen, Vice Chair  
Hon. Suchada Bazzelle  
Hon. Brian Brower  
Hon. Jon Carpenter  
Hon. Samuel Chiara  
Hon. Rita Cornish  
Hon. Michael DiReda  
Hon. Susan Eisenman  
Hon. Angela Fonnesbeck  
Hon. Michael Leavitt  
Hon. Thomas Low  
Hon. Brendan McCullagh  
Hon. Amber Mettler  
Kristin K. Woods

**Presenters:**

Judge Kate Appleby  
Todd Eaton  
Debbie Jacobsen  
Alisha Johnson  
Bryson King  
Jordan Murray  
Bart Olsen  
Kim Ostler

**AOC Staff:**

Ron Gordon  
Neira Siaperas  
Brody Arishita  
Shane Bahr  
Michael Drechsel  
Jim Peters  
Cindy Schut  
Nick Stiles  
Karl Sweeney  
Sonia Sweeney  
Hilary Wood  
Keisa Williams

**Excused:**

Hon. James Gardner  
Justice Paige Petersen

**Presenters (cont.)**

Jon Puente  
Nini Rich  
Abram Sherrod  
Jeremy Thornock  
Mark Urry  
Jessica Vasquez-Leavitt

## **1. WELCOME AND APPROVAL OF MINUTES: (Judge David Mortensen)**

Judge David Mortensen welcomed everyone to the meeting and asked if there were any questions or comments on the previous month's minutes. There were none.

**Motion:** Judge Jon Carpenter made a motion to approve the March 13, 2025 meeting minutes. Judge Angela Fonnesbeck seconded the motion, which passed unanimously.

## **2. STATE COURT ADMINISTRATOR'S REPORT: (Ron Gordon)**

Ron Gordon noted two successful court level spring conferences for the District Court judges in Park City and the Justice Court judges in St. George, and expressed appreciation for the education team's and the committees' planning efforts. He added that the Juvenile Court Judges Conference is scheduled for later this week in Cedar City.

Mr. Gordon shared a recommendation regarding judicial officer retirement notice periods, suggesting eight months' notice is helpful for filling vacancies more promptly, rather than the historically recommended six months notice. He discussed the possibility of exploring statutory changes to allow judges some period of overlap or shadowing, which has also been discussed by the Board of District Court Judges, and will potentially be referred to the Policy, Planning, and Technology (PP&T) Committee for further discussion.

Mr. Gordon reported on the progress of the Judiciary's two AI committees (legal research tools for judges/law clerks and tools for staff), noting two recent half-day seminars with the staff committee that really helped to plan a vision and implementation strategy.

## **3. COMMITTEE REPORTS:**

### **Management Committee Report:**

Nothing to report.

### **Budget & Fiscal Management Committee Report:**

The work of the committee will be discussed later in the meeting.

### **Liaison Committee Report:**

Judge Thomas Low shared some of the upcoming interim study items for the Liaison Committee in preparation for the 2026 legislative session.

### **Policy, Planning, and Technology Committee Report:**

The work of the committee will be discussed later in the meeting.

### **Bar Commission Report:**

The Utah Bar elected attorney Tyler Young from Utah County to be the next Bar president following Kim Cordova. On June 26, 2025, the Bar will have their annual meeting at This is the Place Monument. The Bar is preparing to ask the Supreme Court for a Bar due increase in 2028, increasing the fee from \$425 to \$489. The Bar has been involved in a lawsuit for several years and oral arguments before the 10th Circuit Court will take place this fall. 2026 will be the Utah

Bar's 95th anniversary, and they will hold a celebration in Sun Valley, Idaho for the convention that summer. Utah members of a nationwide group called Lawyers for Good Government plan to participate in some gatherings at the Utah State Capitol on May 2nd to retake their oaths as attorneys.

#### 4. COURTROOM ART POLICY: (Chris Talbot, Holly Albrecht)

Chris Talbot discussed a newly drafted art policy relating to artwork displayed in courtrooms, which are currently on loan from Arts and Museums. Mr. Talbot explained that over the past six months, the number of artwork in courtrooms has doubled, some judges having selected up to 16 or 18 pieces per courtroom. He shared that the drafted policy addresses the appropriateness and number of pieces, the location, size and content parameters, adding some leeway for Juvenile Court courtrooms. Mr. Talbot added that the request procedure would involve the AOC guiding the process with Arts and Museums. Currently displayed artwork would be grandfathered in so that current art will not be removed, but that courtrooms would be reset according to policy once a judge is reassigned and the courtroom becomes available. Judge Brendan McCullagh recommended that PP&T review and finalize the policy before being adopted by the Judicial Council.

**Motion:** Judge McCullagh made a motion to approve the creation of a Courtroom Art Policy and that the draft be referred to PP&T for further discussion. Judge Mortensen seconded the motion, which passed unanimously.

#### 5. BUDGET & GRANTS: (Karl Sweeney, Alisha Johnson)

Alisha Johnson presented the financial reports.

##### FY 2025 One Time Turnover Savings

#		Funding Type	Actual Amount
1	One Time Turnover Savings (from actual payroll data versus budget as of PPE 03/14/2025)	Internal Savings	2,325,179
2	Est. One Time Savings for remaining pay hours (608 @ \$1,500 / pay hour)	Internal Savings (Est.)	912,000
<b>Total Potential One Time Savings</b>			<b>3,237,179</b>

Prior Report Totals (as of 02/14/2025)

3,024,901

##### FY 2025 Ongoing Turnover Savings

#		Prior Month Forecast Amount @ YE	Actual Amount YTD	Forecasted Amount @ YE	Change in Forecast Amount @ YE
	Net Carried over Ongoing Savings (finalized from FY 2024)	140,594	140,594	140,594	0
	Ongoing Turnover Savings FY 2025 (actual year-to-date, Salary Differential only)	720,212	734,456	734,456	14,244
1	Ongoing Turnover Savings FY 2025 (forecast \$65,000 / month x 3 months, Salary Differential only)	200,000	-	195,000	(5,000)
	<b>TOTAL SALARY RELATED ONGOING SAVINGS</b>	<b>1,060,806</b>	<b>875,051</b>	<b>1,070,051</b>	<b>9,244</b>
	Benefit Differential Savings FY 2025 (will be recognized in this row starting in Q4)	-	34,050	34,050	34,050
	<b>TOTAL SAVINGS</b>	<b>1,060,806</b>	<b>909,100</b>	<b>1,104,100</b>	<b>43,294</b>
2	2025 Annual Authorized Hot Spot Raises	(200,000)	(184,372)	(200,000)	-
	<b>TOTAL USES</b>	<b>(200,000)</b>	<b>(184,372)</b>	<b>(200,000)</b>	<b>-</b>
<b>Total Actual/Forecasted Unencumbered Turnover Savings for FY 2025</b>		<b>860,806</b>	<b>724,728</b>	<b>904,100</b>	<b>43,294</b>

## FY 2025 Year End Requests and Forecasted Available One-time Funds

Forecasted Available One-time Funds			
	Description	Funding Type	Amount
<b>Sources of YE 2025 Funds</b>			
*	Turnover Savings as of PPE 03/14/2025	Turnover Savings	2,325,179
	Turnover savings Estimate for the rest of the year (\$1,500 x 608 pay hours)	Turnover Savings	912,000
	<b>Total Potential One Time Turnover Savings</b>		<b>3,237,179</b>
	Less: Judicial Council Delegated to State Court Administrator for Discretionary Use		(250,000)
(a)	<b>Total Potential One Time Turnover Savings Less Discretionary Use</b>		<b>2,987,179</b>
	Operational Savings From TCE / AOC Budgets - mid-year forecast	Internal Operating Savings	629,905
	Operational Savings from IT Budget - unused Carryforward Request	Internal Operating Savings	150,000
	Reserve Balance (balance from FY 2024 Carryforward)	Judicial Council Reserve	847
	Estimated unclaimed property claims (received and pending)	Additional Revenue Received	737,577
	Prior year adjustments - impact on current year operations (Hyrum and OFA)	Adjustments to CY Operations	(90,000)
(b)	<b>Total Operational Savings, Reserve, Unclaimed Property and Prior Year Adjustments</b>		<b>1,428,329</b>
(c)	<b>Total of Turnover Savings &amp; Operational Savings = (a) + (b)</b>		<b>4,415,508</b>
<b>Uses of YE 2025 Funds</b>			
(d)	Carryforward into FY 2026 (Anticipate request to Legislature for \$3,700,000)	FY 2026 Carryforward	(3,581,281)
	<b>Total Potential One Time Savings = (c) less Carryforward (d)</b>		<b>834,227</b>
	Less: Judicial Council Requests Previously Approved		(834,227)
	Less: Judicial Council Current Month Spending Requests		-
	<b>Remaining Forecasted Funds Available for FY 2025 YE Spending Requests</b>		<b>0</b>

Updated 03/31/2025

### Civil Penalty Increase

Karl Sweeney presented a request to increase the civil penalty from \$2,500 to \$3,070 due to inflation. He shared that in section 26 of UCA 78B-6-2105, it is noted that an adjustment shall be made by the Judicial Council every five years based on the change in the annual Consumer Price Index for the most recent five-year period.

**Motion:** Judge Fonnesebeck made a motion to approve the civil penalty request, as presented. Judge Amber Mettler seconded the motion, which passed unanimously.

### **6. COMPENSATION, CAREERS, AND FLEXIBILITY: (Ron Gordon, Neira Siaperas)**

Mr Gordon and Neira Siaperas introduced a comprehensive proposal titled “Investing in Our People: Compensation, Careers & Flexibility”. Ms. Siaperas shared some slides with an overview of the proposal, explaining that the new plan aims to improve compensation, advancement opportunities, benefits, and to add new Judicial Assistant positions as well as incentives for flexibility and wellness. Mr Gordon concluded with a detailed breakdown of the funding needed for this request.

**Motion:** Judge Samuel Chiara made a motion to approve the proposal, as presented. Judge Fonnesebeck seconded the motion, which passed unanimously.

**7. TAX LAW & WATER LAW JUDGE APPOINTMENTS: (Judge Kate Appleby, Shane Bahr)**

Judge Kate Appleby presented a request to appoint Judges Richard Mrazik, Jennifer Maybe and Don Torgerson as new Water Law judges, in anticipation of Judge Holmberg's retirement.

**Motion:** Judge Mortensen made a motion to approve the appointment of Judges Mrazik, Maybe and Torgerson as Water Law judges. Judge Mettler seconded the motion, which passed unanimously.

Shane Bahr presented a request to appoint Judges Richard Daynes, Todd Shaughnessy and Charles Stormont as Tax Law judges, in anticipation of the retirement of Judges Holmberg, Kelly and Hyde.

**Motion:** Kristin Woods made a motion to approve the requested appointments, as presented. Judge McCullagh seconded the motion, which passed unanimously.

**8. URCP RULE 26 EVALUATION: (Paula Hannaford, Miriam Hamilton)**

Paula Hannaford and Miriam Hamilton presented on the recent evaluation by the National Center for State Courts (NCSC) of Utah's Rule 26 and civil discovery reforms. Ms. Hannaford expressed her investment, having been part of the NCSC group working with Utah's civil rules advisory committee in 2008 during debates on the rules, proportionality, and bar adoption. She reported that when rules went into effect in 2011, NCSC conducted an evaluation funded by the Bureau of Justice Assistance, published in 2015. She noted the significant national impact of Utah's rules on civil justice reform. The tiered approach to discovery was a fundamental part of recommendations endorsed by the Conference of Chief Justices and Conference of State Court Administrators. The State Justice Institute (SJI) provided \$1 million to spread discovery reform nationally, impacting state and federal courts, although federal courts adopted reforms more tentatively.

After COVID, SJI funded another NCSC grant to re-evaluate Utah's rules to prove their effectiveness, as work stalled due to priority given to criminal backlogs. Ms. Hannaford explained that the current evaluation looked at civil justice, specifically if the early successes found in the 2015 evaluation were sustained. The 2015 findings included significantly reduced time to disposition, dramatically increased settlement rates, high attorney compliance with time frames and scope limits, and discovery disputes moving up about four months earlier. Tier one discovery disputes increased, potentially a positive indicator for debt collection cases where litigants questioned the basis for actions. The NCSC also wanted to look closely at practical effects once attorneys were acclimated to the rules. Ms. Hamilton described the data and methods, replicating the 2015 study's methodology, and Ms. Hannaford shared some of the recommendations that resulted from the evaluation.



**9. JUDICIAL PERFORMANCE EVALUATION COMMISSION REPORT:  
(Mary-Margaret Pingree, Commissioner Christian Hansen)**

Mary-Margaret Pingree introduced Christian Hansen, a newly appointed commissioner with the Judicial Performance Evaluation Commission (JPEC). Ms. Pingree explained that in early 2025, JPEC conducted an electronic survey of judges retained in the 2024 election, soliciting feedback from the judges about the evaluation process. The survey was sent to 50 retention judges and received an 80% response rate, and Ms. Pingree asked the Council members their perspective on the evaluation process. She highlighted a few things JPEC learned through the process, and how they plan to respond. She also addressed a particular concern from a handful of judges that centered around courtroom observers' lack of knowledge in courtroom procedures and how it impacts the evaluation. JPEC has met with the Judiciary's education department to review and give input on the training for courtroom observers. Ms. Pingree added that they're looking for ways the judges can potentially be more involved.

**10. RULES FOR FINAL APPROVAL: (Keisa Williams)**

Keisa Williams reported that the proposed amendments to CJA Rules 1-205, 3–306.04, and 4-510.03 came back from a 45-day public comment period, and no comments were received. PP&T recommended these three rules be approved as final with an effective date of May 1, 2025.

Non-substantive changes were made to rules 4-202.02, 4-510.06 and 4-613, and PP&T recommended they be approved on an expedited basis with a May 1, 2025 effective date, and no comment period.

Ms. Williams reported that PP&T also recommended that rule 4-202.03 and Appendix A be adopted as final on an expedited basis with a May 1, 2025 effective date, followed by a 45-day public comment period.

**Motion:** Judge McCullagh made a motion to approve the discussed rules as final, with an effective date of May 1, 2025. Judge Rita Cornish seconded the motion, which passed unanimously.

**11. STRATEGIC PLAN: (Judge Monica Diaz, Judge Michele Christiansen Forster, Justice Jill Pohlman, Neira Siaperas, Jon Puente)**

Judge Monica Diaz, Judge Michele Christiansen Forster, Justice Jill Pohlman and Jon Puente presented the amended Strategic Plan on behalf of the Office of Fairness and Accountability. Judge Diaz summarized both the public-facing plan, which shows the three areas of commitment and then the action, and the more detailed operation plan for internal use. She explained that it is a three-year plan with reports back to the Judicial Council annually on the progress.

**Motion:** Judge Cornish made a motion to approve the Strategic Plan, as presented. Judge McCullagh seconded the motion, which passed unanimously.

**12. COURT COMMISSIONER CONDUCT COMMITTEE REPORT: (Judge Ryan Harris, Keisa Williams)**

Judge Ryan Harris presented an annual report on the Court Commissioner Conduct Committee (CCCC). He explained that in the past year, the committee received 17 complaints against the Judiciary's commissioners, all of which were dismissed by the chair without convening the full committee. Judge Harris shared that he will be rotating off as chair when he takes Judge Mortensen's place on the Judicial Conduct Commission July 1, 2025, at which time the CCCC will elect a new chair.

**13. JUROR COMPENSATION PILOT: (Judge Dianna Gibson, Judge Ryan Harris, Jon Puente)**

Judge Dianna Gibson summarized the proof of concept pilot program, which aims to increase juror compensation to ascertain if there is an impact on participation. The Judiciary's legal team conducted an analysis on the proposed pilot and issued an opinion to the Council, and the Jury Equity Committee presented the request to the Management Committee in April 2025 to answer any further questions.

Judge Brian Brower voiced his support of the pilot program, but expressed hesitation on the Judiciary taking action to change the rules. He explained his view that changing juror compensation amounts should lie with the legislative branch.

**Motion:** Judge Mortensen made a motion to approve the proof of concept pilot program, as presented. Judge Mettler seconded the motion, which passed unanimously.

**14. LANGUAGE ACCESS COMMITTEE REPORT: (Cade Stubbs, Jessica Vazquez-Leavitt)**

Jessica Vazquez-Leavitt presented a report from the Language Access Committee, sharing metrics of interpreter usage statewide from the past year reflecting a 37% growth from the previous year. She explained that Spanish is still the most translated language, but the diversity of languages translated is growing. Ms. Vazquez-Leavitt shared that over the past year, the committee assisted in hiring staff interpreters, revised the second language stipend testing and filled vacancies, drafted a proposed rule regarding the on-demand translation/interpretation rule change on recorded evidence, revised defendant's videos and jury videos, and reviewed requests regularly by interpreters for reciprocity or special requests. Ongoing projects included interpreter equipment and technology, and an interpreter scheduling system. The committee is involved in helping individuals pass the national service oral proficiency exam, implementing an internal training and preparation program that has helped increase the pass rate. Cade Stubbs, committee chair, added that the committee has accomplished a lot this year, and recognized Ms. Vazquez-Leavitt and her team for their hard work and dedication.

**15. UNIFORM FINE COMMITTEE REPORT & FINE SCHEDULE: (Judge Jennifer Valencia, Michael Drechsel)**

Judge Jennifer Valencia presented a report from the Uniform Fine Committee. She shared that there have been many changes made to the Uniform Fine Schedule, and explained the committee's request for the approval of four separate versions of the fine schedule to comply with associated bills from the 2025 legislative session. The first schedule would be effective on May 7, 2025, a second on July 1, 2025, a third on September 1, 2025 and a fourth on January 1, 2026. She added that there were a total of 374 proposed fine schedule changes reflected in the provided document, and expressed gratitude to Michael Drechsel for his help and expertise in the process.

**Motion:** Judge Cornish made a motion to approve the four Uniform Fine Schedules, as presented. Judge Brower seconded the motion, which passed unanimously.

**16. THIRD DISTRICT COMMISSIONER CONFIRMATION: (Mark Paradise)**

Mark Paradise reported that the Third District Court bench voted last Wednesday, nominating Renee Blocker to fill Commissioner Tack's position, and asked the Council to approve this nomination.

**Motion:** Judge Mettler made a motion to approve the appointment of Renee Blocker as the new Third District Domestic Commissioner. Judge McCullagh seconded the motion, which passed unanimously.

**17. TREATMENT COURT RECERTIFICATIONS: (Cris Seabury, Katy Burke)**

Cris Seabury presented five treatment court recertifications applications for approval, adding that each treatment court meets all recertification criteria.

**Motion:** Judge Susan Eisenman made a motion to approve the five recertifications, as presented. Judge McCullagh seconded the motion, which passed unanimously.

**18. OLD BUSINESS/NEW BUSINESS: (All)**

There was none.

**19. CONSENT CALENDAR: (Chief Justice Matthew B. Durrant)**

**Motion:** Judge Mortensen made a motion to approve all items on the consent calendar. Judge McCullagh seconded the motion, which passed unanimously.

**20. SENIOR JUDGE APPOINTMENTS & REAPPOINTMENTS: (Neira Siaperas)**

**Motion:** Judge Cornish made a motion to move into an executive session for the purpose of discussing the character, professional competence, or physician or mental health of an individual. Judge Mettler seconded the motion, which passed unanimously.

**21. EXECUTIVE SESSION: (Chief Justice Matthew B. Durrant)**



**Motion:** Judge Eisenman made a motion that Judge Hyde meets the qualifications for appointment as an active senior judge; that Judges Peuler, Powell and Robinson meet the qualifications for appointment as inactive senior judges; that Judges Lyon, Hamilton, Low, Eyre, Wilcox, Jones, Walthius and Cullimore meet the qualifications for reappointment as active senior judges; that Judges Fuchs and Higbee meet the qualifications for reappointment as active senior judges subject to their completion of 30 hours of approved judicial education by June 30, 2025; and that Judges Davis, Michie, Vail and Waterfall meet the qualifications for reappointment as inactive senior judges. Judge McCullagh seconded the motion, which passed unanimously.

**22. ADJOURN: (Chief Justice Matthew B. Durrant)**

The meeting was adjourned.

**CONSENT CALENDAR ITEMS**

1. Rules for Public Comment
2. MUJI Crim Committee Appointment
3. MUJI Civil Committee Appointment
4. Committee on Resources for Self-Represented Parties Appointment
5. Forms Updates

Tab 2

**JUDICIAL COUNCIL'S  
BUDGET & FISCAL MANAGEMENT COMMITTEE**

**Minutes  
April 7, 2025  
Meeting held virtually through WebEx  
12:00 p.m. – 1:00 p.m.**

**Members Present:**

Judge Rita Cornish (Chair)  
Judge Michael DiReda  
Judge Susan Eisenman  
Kristin Woods

**Guests:**

Mark Urry, TCE, Fourth District Court  
Brett Folkman, TCE, First District Court  
Debbie Jacobsen

**Excused:**

Neira Siaperas  
Karl Sweeney

**AOC Staff Present:**

Ron Gordon  
James Peters  
Nick Stiles  
Shane Bahr  
Sonia Sweeney  
Todd Eaton  
Erin Rhead  
Alisha Johnson  
Kelly Moreira  
Jordan Murray  
Suzette Deans, Recording Secretary

**1. WELCOME AND APPROVAL OF MINUTES (Judge Rita Cornish – “Presenter”)**

Judge Rita Cornish welcomed everyone to the meeting and asked for a motion to approve the minutes of the March 3, 2025 meeting.

**Motion:** Judge Michael DiReda moved to approve the minutes as presented. Kristen Woods seconded the motion, and it passed unanimously.

**2. FY 2025 Financials (Kelly Moreira – “Presenter”)**

FY 2025 Ongoing Turnover Savings (“OTS”) – Kelly Moreira indicated we carried over \$140,594 in ongoing savings from FY 2024 and combined with YTD savings of \$734,456 we have generated total OTS savings of \$875,051 for FY 2025 YTD. We forecast future OTS amounts of \$195,000 (3 months @ \$65K per month) for a total forecast of OTS of \$1,104,100 that is

reduced by \$200,000 for hot spot raise funds leaving a net total of \$904,100 for future discretionary use.



### FY 2025 Ongoing Turnover Savings as of 03/31/2025

#		Prior Month Forecast	Actual	Forecasted	Change in Forecast
		Amount @ YE	Amount YTD	Amount @ YE	Amount @ YE
	Net Carried over Ongoing Savings (finalized from FY 2024)	140,594	140,594	140,594	0
	Ongoing Turnover Savings FY 2025 (actual year-to-date, Salary Differential only)	720,212	734,456	734,456	14,244
1	Ongoing Turnover Savings FY 2025 (forecast \$65,000 / month x 3 months, Salary Differential only)	200,000	-	195,000	(5,000)
	TOTAL SALARY RELATED ONGOING SAVINGS	1,060,806	875,051	1,070,051	9,244
	Benefit Differential Savings FY 2025 (will be recognized in this row starting in Q4)	-	34,050	34,050	34,050
	TOTAL SAVINGS	1,060,806	909,100	1,104,100	43,294
2	2025 Annual Authorized Hot Spot Raises	(200,000)	(184,372)	(200,000)	-
	TOTAL USES	(200,000)	(184,372)	(200,000)	-
	<b>Total Actual/Forecasted Unencumbered Turnover Savings for FY 2025</b>	<b>860,806</b>	<b>724,728</b>	<b>904,100</b>	<b>43,294</b>

- \* Ongoing turnover savings only happens when a vacant position is filled at a lower rate (Salary Differential) and / or with lower benefits (Benefit Differential).
- \* We defer recognizing the Benefit Differential until Q4 of the fiscal year due to potential volatility in benefit selection in the short term. This allows time for the benefit selections for the year to normalize.
- YTD benefit differential increased compared from the last report - to a positive \$34,050 from (\$58,540) last month. FY 2024 full year benefit differential was +\$331,176**
- \* Currently, 26.5 FTE are vacant.
- 1 Currently estimating \$65,000 of ongoing Salary Differential savings a month for the remainder of the FY; actual run rate is \$734,456/9 months = \$81,606.22/month
- 2 Authority was delegated from the Judicial Council to the State Court Administrator/Deputy in October 2022 to expend up to \$200,000 annually.

#### Definitions:

- Salary Differential** - the annualized difference in salary and salary related benefits between a prior employee and a replacement employee. Recognized when a new employee is hired.
- Benefit Differential** - the annualized difference in medical and dental benefit cost between a prior employee and a replacement employee. Recognized in Q4 of the fiscal year and only after benefits are selected.

FY 2025 One-Time Turnover Savings – Ms. Moreira reported that our actual YTD 1x TOS is running about \$1,590 per work hour versus \$1,200 per work hour actual for full FY 2024. Our FY 2025 forecast combines the actual YTD 1x TOS per hour of \$1,571.07 x YTD hours (1,480) with a future forecast for the balance of the year of \$1,500 per hour x 608 hours which yields a total of \$3,237,179. Bonus payouts have lowered several recent pay period amounts.



### FY 2025 One Time Turnover Savings

Updated as of Pay Period Ending 03/14/2025 (1,480 out of 2,088 hours)

#		Funding Type	Actual Amount
1	One Time Turnover Savings (from actual payroll data versus budget as of PPE 03/14/2025)	Internal Savings	2,325,179
2	Est. One Time Savings for remaining pay hours (608 @ \$1,500 / pay hour)	Internal Savings (Est.)	912,000
	<b>Total Potential One Time Savings</b>		<b>3,237,179</b>

Prior Report Totals (as of 02/14/2025) 3,024,901

- 1 Actual per hour turnover savings for the last 4 pay periods (oldest to newest) are \$1,199.38, \$1,833.40, \$1,737.76, and \$420.45. The average per hour turnover savings FY 2025 YTD is \$1,571.07; most recent week amount includes bonus payments for legislative team. This is a one-time event and future weeks are expected to return to the \$1,500 per pay hour amount.
- 2 \$1,500 / pay hour represents slightly below the actual YTD FY 2025 average (last year average was \$1,200); raising the forecast to \$1,500 per hour from \$1,200 per hour for the balance of the year.

Ms. Moreira next reviewed the FY 2025 Year End Spending Requests and Forecasted Available One-Time Funds – As of period 9, as recapped on the prior schedule, the 1x TOS savings are forecasted to be \$3,237,179. After deducting \$250,000 of hot spot incentive pay, our total 1x

TOS is \$2.98M. Operational savings are estimated to be \$629,905. We have also included \$737,000 of unclaimed property funds and (\$90,000) of prior period adjustments to reach a net total forecasted 1x funds of \$4.41M. We are showing \$3.58M of carryforward usage with upside to increase the carryforward to a requested legislatively-authorized amount of \$3.7M. This gives the Courts the forecasted potential of one-time savings available for use in FY 2025 of \$834,227 of which \$834,000 has already been approved for use. It is important to note that \$301,427 of the forecasted expenditures are construction contingencies which may or may not be necessary.



## FY 2025 Year End Requests and Forecasted Available One-time Funds - Period 9

Forecasted Available One-time Funds			# One-time Spending Plan Requests		Adjusted Requests Amount	Judicial Council Approved Amount
Description	Funding Type	Amount				
<b>Sources of YE 2025 Funds</b>						
* Turnover Savings as of PPE 03/14/2025	Turnover Savings	2,325,179	1	Various Construction Projects (FY 2025) Contingency (10%)	\$ -	\$ 301,427
Turnover savings Estimate for the rest of the year (\$1,500 x 608 pay hours)	Turnover Savings	912,000	2	All Rise Utah Welcome Dinner	\$ -	\$ 10,000
<b>Total Potential One Time Turnover Savings</b>		<b>3,237,179</b>	3	Q1 / Q2 Performance Bonus	\$ -	\$ 156,000
Less: Judicial Council Delegated to State Court Administrator for Discretionary Use		(250,000)	4	Replacement of EMV Credit Card Devices	\$ -	\$ 36,500
<b>(a) Total Potential One Time Turnover Savings Less Discretionary Use</b>		<b>2,987,179</b>	5	Reimbursement from Trust Account Interest Earnings	\$ -	\$ (36,500)
Operational Savings From TCE / AOC Budgets - mid-year forecast	Internal Operating Savings	629,905	6	Purchasing Utah Code and Court Rules per CIA 3-413	\$ -	\$ 30,000
Operational Savings from IT Budget - unused Carryforward Request	Internal Operating Savings	150,000	7	Mitigate Laptop Price Increases	\$ -	\$ 300,000
Reserve Balance (balance from FY 2024 Carryforward)	Judicial Council Reserve	847	8	Bridge Replacement LMS System Go-Live	\$ -	\$ 27,700
Estimated unclaimed property claims (received and pending)	Additional Revenue Received	737,577		Increase in Secondary Language Stipend	\$ -	\$ 9,100
Prior year adjustments - impact on current year operations (Hyrum and OFA)	Adjustments to CY Operations	(90,000)				
<b>(b) Total Operational Savings, Reserve, Unclaimed Property and Prior Year Adjustments</b>		<b>1,428,329</b>		<b>Current Month One-time Spending Requests</b>	-	
<b>(c) Total of Turnover Savings &amp; Operational Savings = (a) + (b)</b>		<b>4,415,508</b>		<b>Previously Approved 1x FY 2024 YE Spending Request</b>		<b>834,227</b>
<b>Uses of YE 2025 Funds</b>						
(d) Carryforward into FY 2026 (Anticipate request to Legislature for \$3,700,000)	FY 2026 Carryforward	(3,581,281)				
<b>Total Potential One Time Savings = (c) less Carryforward (d)</b>		<b>834,227</b>				
<b>Less: Judicial Council Requests Previously Approved</b>		<b>(834,227)</b>				
<b>Less: Judicial Council Current Month Spending Requests</b>		<b>-</b>				
<b>Remaining Forecasted Funds Available for FY 2025 YE Spending Requests</b>		<b>0</b>				

Updated 03/31/2025

- \* Actual per hour turnover savings for the last 4 pay periods (oldest to newest) are \$1,199.38, \$1,833.40, \$1,737.76, and \$420.45.  
The average per hour turnover savings FY 2025 YTD is \$1,571.07; most recent week amount includes bonus payments for legislative team.  
This is a one-time event and future weeks are expected to return to the \$1,500 per pay hour amount.
- (b) Operational Savings from TCE / AOC Budgets have been updated. Due to inflation, we expect minimal further operational savings for the rest of the fiscal year.  
FY 2024 operational savings were \$1.3M.

The FY 2026 carryforward and Ongoing Requests is shown for example only. The actual requests to this schedule will start in April's BFMC meeting.





## FY 2026 Carryforward and Ongoing Requests - Period 9, FY 2025

3/31/2025

### Funding Sources

	One Time	Ongoing
Ongoing Turnover Savings carried over from FY 2024		\$ 140,594.35
Forecasted YE Ongoing Turnover Savings from FY 2025		\$ 963,506
<b>Subtotal</b>		<b>\$ 1,104,100</b>
Unobligated Fiscal Note Funds - District Court (net)	\$ (10,500)	\$ 20,800
Unobligated Fiscal Note Funds - Juvenile Court	\$ (5,200)	\$ 15,700
Unobligated Fiscal Note Funds - Admin	\$ -	\$ -
Additional Legislative Appropriation	\$ -	\$ 1,000,000
Wellness Council Portion of Carryforward		
Expected Carryforward Amount from Fiscal Year 2025	\$ 3,581,281	\$ -
<b>Total Available Funding</b>	<b>\$ 3,565,581</b>	<b>\$ 2,140,600</b>
Less: Judicial Council Delegated to State Court Administrator for Discretionary Use	\$ (250,000)	\$ (200,000)
<b>Net Ongoing TOS Available for Use</b>	<b>\$ 3,315,581</b>	<b>\$ 1,940,600</b>

### Ongoing Requests

	Presented		Judicial Council Approved	
	One Time	Ongoing	One Time	Ongoing
1 Investing in Our People - Ron Gordon and Nelra Siaperas		\$ 1,745,900		
<b>Subtotal</b>	<b>\$ -</b>	<b>\$ 1,745,900</b>	<b>\$ -</b>	<b>\$ -</b>
<b>Balance Remaining After Judicial Council Approvals</b>			<b>\$ 3,315,581</b>	<b>\$ 1,940,600</b>
<b>Balance Remaining Inclusive of "Presented"</b>	<b>\$ 3,315,581</b>	<b>\$ 194,700</b>		

### Carryforward One Time Requests

	Presented		Judicial Council Approved	
	One Time	Ongoing	One Time	Ongoing
1 Investing in Our People - Ron Gordon and Nelra Siaperas	\$ 1,334,600			
<b>Subtotal</b>	<b>\$ 1,334,600</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>
<b>Balance Remaining After Judicial Council Approvals</b>			<b>\$ 3,315,581</b>	<b>\$ 1,940,600</b>
<b>+ Balance Remaining Inclusive of "Presented"</b>	<b>\$ 1,980,981</b>	<b>\$ 194,700</b>		

Prior Report Balances (first report of the fiscal year) N/A N/A

#### LEGEND

Highlighted items are currently being presented to the Budget and Fiscal Management Committee.

Highlighted items have been approved by the BFMC and are on track for being presented to the Judicial Council.

Highlighted items have been previously approved by the Judicial Council.

Highlighted items that are Fiscal Note Funds

\* - items have been presented and approved in prior years.

+ - One-time balance remaining is available to go into Judicial Council reserve. Ongoing balance remaining will be included in the beginning balance for ongoing turnover savings.

A - Request to Legislature was Not Funded

BFMC approval to submit request to Judicial Council does not imply Judicial Council must approve the recommendation.

If more funds are available than the total of requests received, prioritization is optional.

ARPA Expenditures – We have expended slightly over \$14M of ARPA funds as of period 9. This leaves an available balance of \$977,407 of the \$15 million that was awarded to the courts; 100% of the balance has been obligated with a signed contract. We anticipate this remaining balance of \$977,407 will have work performed and amounts disbursed before the final ARPA cutoff date of December 31, 2026.



## ARPA Expenses as of 03/31/2025 (period 9 not closed yet)

	A Judicial Council Approved	B Actual FY 2022 Expended	C Actual FY 2023 Expended	D Actual FY 2024 Expended	E Actual FY 2025 Expended	F Total Expended Amount	G Balance Available	% Obligated
IT Access to Justice - Part I + II	12,373,400	3,042,468	4,613,255	3,075,857	664,413	11,395,993	977,407	100.00%
Courts Case Backlog - Part I + II	2,302,100	707,963	1,007,135	587,002		2,302,100	Completed in FY 2024	
Legal Sandbox Response to COVID	324,500	-	171,636	152,864		324,500	Completed in FY 2024	
<b>TOTAL</b>	<b>15,000,000</b>	<b>3,750,431</b>	<b>5,792,027</b>	<b>3,815,722</b>	<b>664,413</b>	<b>14,022,593</b>	<b>977,407</b>	
Expenditures added since last report:						149,268		

ARPA funds expended cut off date is 12/31/2026; ARPA funds obligated cut off date was 12/31/2024.  
The definition of obligation is not only budgeting money but also taking steps to create a contract, sub-award, or similar transaction that requires payment. Consider the time it takes to negotiate and execute a contract when planning to meet the obligation deadline.

### Historical Trends

IT Access to Justice Use - Last 3 Periods			
Period 7	Period 8	Period 9	
\$ 228,821	\$ 5,480	\$ 149,268	
Period 9 Expenses			\$ 149,268
INCREASE FROM PRIOR TOTAL EXPENDED AMOUNT:			\$ 149,268

### 3. Ongoing / Carryforward Budget Request (Alisha Johnson– “Presenter”)

#### 1. FY 2026 Carryforward and Ongoing Spending Request – Investing in our People

Ron Gordon and Neira Siaperas are requesting \$1,334,600 of one-time funds and \$1,745,900 of ongoing funds. The Utah Judiciary is experiencing an unsustainably high turnover rate in certain key positions, including judicial assistants and probation officers.

These budget requests seek to:

- Improve retention of new employees
- Improve retention of longer-serving employees
- Expand career advancement options, and
- Identify ongoing funding for our essential software budget request that was not funded by the Legislature

The table below is a funding breakdown.

	Ongoing Funding	One-time Funding
New compensation structure for employees who make less than \$25/hour and who have been with the Judiciary for less than 18 months. <ul style="list-style-type: none"> <li>• 6 month retention bonus of \$1,000</li> <li>• Salary increase of \$1/hour at 12 months</li> <li>• 18 month retention bonus of \$1,500</li> <li>• Retroactive bonuses</li> </ul>	\$799,900	\$176,600
Service recognition bonuses for longer-serving employees	\$558,000	\$347,500
Performance bonuses (This supplements the funds appropriated by the legislature and allows every employee with satisfactory performance or better to receive a bonus of \$1,000.)		\$447,500
Additional incentive award funds		\$280,000
14 new Lead Judicial Assistant positions and 8 new Lead Probation Officer positions (This funds the salary increase that will be given to the current employees who will work in these positions.)	\$100,000	
Judicial assistant staffing (7 new JA positions and extension of 6 time-limited positions)	\$595,000	\$183,000
Salary compression offset	\$200,000	
Essential software	\$963,000	
<b>Total</b>	<b>\$3,215,900</b>	<b>\$1,434,600</b>



This proposal will draw upon seven different funding sources:

Funding Source	Ongoing Amount	One-time Amount
Legislation appropriation of \$1,000,000 for FY26	\$1,000,000	
Ongoing turnover savings	\$709,400	
One-time savings		\$1,334,600
AOC budget reductions	\$270,000	
Increased Xchange fees <sup>2</sup>	\$1,200,000	
FY26 fiscal note funding	\$36,500	
FY26 one-time hot spot funding		\$100,000
<b>Total</b>	<b>\$3,215,900</b>	<b>\$1,434,600</b>

In addition to these funding requests, the proposal seeks approval of the following changes:

- Grant all new employees 24 hours of administrative leave at the start of their employment.
- All employees in their first or second year of employment as of July 1, 2025, will retroactively receive 24 hours of administrative leave.
- Adjust the annual leave accrual structure so that employees accrue more annual leave earlier in their careers.
- Grant 40 hours of administrative leave to employees with over 20 years of service as of July 1, 2025.
- Amending the current Exercise Release policy (HR 08-3(3)) to a Wellness Release policy that includes activities other than exercise that contribute to employees' overall wellness.

During Mr. Gordon's presentation, various discussions clarified:

- whether the funding would enhance the litigant experience (yes, since litigants are better served by employees who have longer tenure),
- if the group of employees that is currently making under \$25 an hour are primarily our front facing employees (yes),
- if the Legislature would potentially view this funding as indication that the Courts did not need the Legislative funds to solve the problem (the Legislature was told that in addition to the \$3M in building block funds the Courts would add our own funds to enhance and round out the compensation efforts)
- is there anything left for other needs? (yes, there is a buffer built into both the ongoing and 1x funding aspects of this request; we are mindful that to the extent we are

successful in reducing turnover, there will be a reduction in the amount of ongoing and 1x savings in any given year)

**Motion:** Judge Michael DiReda made a motion to recommend the request be forwarded to the Judicial Council with a recommendation for approval. Judge Susan Eisenman seconded the motion, and it passed unanimously.

#### **4. Other Business**

Next meeting May 12, 2025

Meeting adjourned at 1:20 p.m.

Tab 3



# Administrative Office of the Courts

Chief Justice Matthew B. Durrant  
Utah Supreme Court  
Chair, Utah Judicial Council

May 7, 2025

Ronald B. Gordon, Jr.  
State Court Administrator  
Neira Siaperas  
Deputy State Court Administrator

## MEMORANDUM

**TO:** Judicial Council

**FROM:** Judge Steven Beck, Chair, Board of Juvenile Court Judges  
Sonia Sweeney, Juvenile Court Administrator

**RE:** Report to the Judicial Council

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The Board of Juvenile Court Judges (Board) provides this update on the work it has been doing during the 2024-2025 year:

### 1. Initiative to Contribute to the Job Satisfaction of Core Courthouse Staff

The Board determined that for 2024-2025, it will have a goal of encouraging the Juvenile Bench, following guidance from Human Resources, to strengthen relationships with Judicial Assistants and Probation Officers in different ways, including:

- community-building lunches,
- training for judges related to their implied-leadership role, and
- improved communication and collaboration with the clerical and probation departments.

As part of this goal, the Board has coordinated with Human Resources and Education to create trainings regarding the implied leadership role of judges. Currently, all or almost all of the Juvenile Court Bench have received this training. Additionally, the Board has communicated with all Juvenile Court Presiding Judges to request their participation and support in achieving this goal. The Board has begun receiving reports from the Presiding Judges about the work their districts have undertaken. Some of the highlights from those reports include the following.

In one district, the local bench meetings are being expanded. A past meeting was expanded to include case managers from each county, inviting feedback on judicial performance and identifying areas for improvement. The discussion led to useful insights, including the need for clearer, standardized language in delinquency orders. Future efforts include involving probation supervisors in the May bench meeting to gather input on supporting probation officers. Ongoing engagement also includes gestures like celebrating Administrative Professionals Day and maintaining open communication to strengthen team relationships.

The mission of the Utah judiciary is to provide the people an open, fair,  
efficient, and independent system for the advancement of justice under the law.

In another district, to support morale and retention, the district holds an annual Employee Appreciation Day and quarterly staff appreciation breakfasts, offering judges a chance to connect with staff and gather feedback. A staff committee also organizes monthly themed events to promote engagement.

## **2. Out of District Detention Hearings**

The Board decided that all initial detention hearings for youth detained outside their home district must be conducted by their assigned judge or in their home district. The number of cases impacted by this practice change is comparatively small, while the benefit of ensuring youth interact either with their assigned judge, or at least a judge more familiar with the assigned judge's calendar, is worthwhile. This new practice was fully implemented on Monday, May 5, 2025.

This change involved significant coordination between probation and clerical leadership, as well as leadership with Juvenile Justice and Youth Services (JJYS) detention facilities. The Board authorized interim probation policies while the formal process can be completed. The Board also communicated with all presiding judges to ensure a smooth transition.

## **3. Standing Order to Release Police Reports**

The passage of SB157 during the 2025 legislative session introduced a key procedural change in juvenile court: youth must now be advised of their right to counsel through the Indigent Defense Commission (IDC) before declining a nonjudicial adjustment. As courts and IDC begin implementing this requirement, an issue has emerged regarding what information the IDC attorney should have access to when advising these youth. Specifically, the question has been raised whether police reports in the possession of juvenile probation, which are often received as part of the referral process but have not been filed in a court case, can be shared with the IDC attorney as part of this early legal consultation.

The Office of General Counsel (OGC) addressed this issue in a legal analysis shared with the Board in April 2025. These reports are classified as protected records under UCJA Rule 4-202.02(5)(V)), and are often unredacted and typically include law enforcement warnings against unauthorized disclosure. OGC's analysis highlights several considerations: Probation officers have no discretion under current rules to release these reports. The information in these reports often forms the basis for the referral and level of offense, even if probation officers themselves do not use the content to determine eligibility for a nonjudicial adjustment. Defense counsel, in advising youth, would benefit from access to the same information law enforcement used when making the referral.

In response to this issue, the Board is now considering whether to issue a standing order under UCJA Rule 4-202.03(4)(G) that would authorize the release of these protected police reports to the IDC attorney for these types of cases. The Board is evaluating the scope of such an order, including limitations on use and destruction requirements. The Board will continue its review in June of 2025, with the aim to support the successful implementation of SB157 while preserving the integrity of protected records.

Tab 4

**Budget and Grants Agenda**  
**For May 19, 2025**  
**Judicial Council Meeting**

1. Monthly YTD Financials ..... Alisha Johnson  
(Item 1 – Information)
2. Exchange Fee Increases ..... Karl Sweeney and Tucker Samuelson  
(Item 2 – Action)
3. Commissioner Pay Increases FY 2026 ..... Ron Gordon, Neira Siaperas and Bart Olsen  
(Item 3 – Action)
4. New Grant from Utah Bar Foundation..... Nick Stiles and Jordan Murray  
(Item 4 – Action)

Item 1





## FY 2025 Ongoing Turnover Savings as of 05/01/2025 - Period 10

#		Prior Month	Forecast	Actual	Forecasted	Change in Forecast
		Amount @ YE		Amount YTD	Amount @ YE	Amount @ YE
	Net Carried over Ongoing Savings (finalized from FY 2024)	140,594		140,594	140,594	-
	Ongoing Turnover Savings FY 2025 (actual year-to-date, Salary Differential only)	734,456		772,110	772,110	37,653
1	Ongoing Turnover Savings FY 2025 (forecast \$65,000 / month x 2 months, Salary Differential only)	195,000		-	130,000	(65,000)
	TOTAL SALARY RELATED ONGOING SAVINGS	1,070,051		912,704	1,042,704	(27,347)
	Benefit Differential Savings FY 2025 (will be recognized in this row starting in Q4)	34,050		78,365	78,365	44,315
	TOTAL SAVINGS	1,104,100		991,069	1,121,069	16,969
2	2025 Annual Authorized Hot Spot Raises	(200,000)		(193,877)	(200,000)	-
	TOTAL USES	(200,000)		(193,877)	(200,000)	-
	<b>Total Actual/Forecasted Unencumbered Turnover Savings for FY 2025</b>	<b>904,100</b>		<b>797,192</b>	<b>921,069</b>	<b>16,969</b>

- \* Ongoing turnover savings only happens when a vacant position is filled at a lower rate (Salary Differential) and / or with lower benefits (Benefit Differential).
- \* We defer recognizing the Benefit Differential until Q4 of the fiscal year due to potential volatility in benefit selection in the short term.  
This allows time for the benefit selections for the year to normalize.  
YTD benefit differential increased compared from the last report - to a \$78,365 from \$34,050 last month. FY 2024 full year benefit differential was +\$331,176
- \* Currently, 28 FTE are vacant.
- 1 Currently estimating \$65,000 of ongoing Salary Differential savings a month for the remainder of the FY; actual run rate is \$772,110 / 10 months = \$77,211/month
- 2 Authority was delegated from the Judicial Council to the State Court Administrator/Deputy in October 2022 to expend up to \$200,000 annually.

### Definitions:

**Salary Differential** - the annualized difference in salary and salary related benefits between a prior employee and a replacement employee.  
Recognized when a new employee is hired.

**Benefit Differential** - the annualized difference in medical and dental benefit cost between a prior employee and a replacement employee.  
Recognized in Q4 of the fiscal year and only after benefits are selected.



## FY 2025 One Time Turnover Savings - Period 10

Updated as of Pay Period Ending 04/11/2025 (1,640 out of 2,088 hours)

			Actual
#		Funding Type	Amount
1	One Time Turnover Savings (from actual payroll data versus budget as of PPE 04/11/2025)	Internal Savings	2,487,739
2	Est. One Time Savings for remaining pay hours (448 @ \$1,500 / pay hour)	Internal Savings (Est.)	672,000
<b>Total Potential One Time Savings</b>			<b>3,159,739</b>

*Prior Report Totals (as of 03/14/2025)*

3,237,179

- 1 Actual per hour turnover savings for the last 4 pay periods (oldest to newest) are \$1,680.21, \$377.70, \$1,377.23, and \$1,106.69  
The average per hour turnover savings FY 2025 YTD is \$1,516.91; most recent week amount includes bonus payments.  
The remaining 1x Hot Spot available amount of ~\$17,000 is expected to be distributed in these last 5.5 pay periods.  
This is a one-time event and future weeks are expected to return to the \$1,500 per pay hour amount.
- 2 \$1,500 / pay hour represents slightly below the actual YTD FY 2025 average (last year average was \$1,200);  
raised the forecast to \$1,500 per hour from \$1,200 per hour for the balance of the year as of 3/14/25 report.



## ARPA Expenses as of 05/01/2025 (period 10 not closed yet)

	A	B	C	D	E	F	G	
	Judicial Council Approved	Actual FY 2022 Expended	Actual FY 2023 Expended	Actual FY 2024 Expended	Actual FY 2025 Expended	Total Expended Amount	Balance Available	% Obligated
IT Access to Justice - Part I + II	12,373,400	3,042,468	4,613,255	3,075,857	683,368	11,414,948	958,452	100.00%
Courts Case Backlog - Part I + II	2,302,100	707,963	1,007,135	587,002	-	2,302,100	Completed in FY 2024	
Legal Sandbox Response to COVID	324,500	-	171,636	152,864	-	324,500	Completed in FY 2024	
<b>TOTAL</b>	<b>15,000,000</b>	<b>3,750,431</b>	<b>5,792,027</b>	<b>3,815,722</b>	<b>683,368</b>	<b>14,041,548</b>	<b>958,452</b>	
<i>Expenditures added since last report:</i>						18,955		

ARPA funds expended cut off date is 12/31/2026; ARPA funds obligated cut off date was 12/31/2024.

The definition of obligation is not only budgeting money but also taking steps to create a contract, sub-award, or similar transaction that requires payment. Consider the time it takes to negotiate and execute a contract when planning to meet the obligation deadline.



## FY 2025 Year End Requests and Forecasted Available One-time Funds - Period 10

Forecasted Available One-time Funds			
	Description	Funding Type	Amount
<b>Sources of YE 2025 Funds</b>			
*	Turnover Savings as of PPE 04/11/2025	Turnover Savings	2,487,739
	Turnover savings Estimate for the rest of the year (\$1,500 x 448 pay hours)	Turnover Savings	672,000
	<b>Total Potential One Time Turnover Savings</b>		<b>3,159,739</b>
	Less: Judicial Council Delegated to State Court Administrator for Discretionary Use		(250,000)
(a)	<b>Total Potential One Time Turnover Savings Less Discretionary Use</b>		<b>2,909,739</b>
	<i>Operational Savings From TCE / AOC Budgets - mid-year forecast</i>	<i>Internal Operating Savings</i>	634,358
	<i>Operational Savings from IT Budget - unused Carryforward Request</i>	<i>Internal Operating Savings</i>	150,000
	<i>Reserve Balance (balance from FY 2024 Carryforward)</i>	<i>Judicial Council Reserve</i>	847
	<i>Estimated unclaimed property claims (received and pending)</i>	<i>Additional Revenue Received</i>	741,488
	<i>Prior year adjustments - impact on current year operations (Hyrum and OFA)</i>	<i>Adjustments to CY Operations</i>	(90,000)
(b)	<b>Total Operational Savings, Reserve, Unclaimed Property and Prior Year Adjustments</b>		<b>1,436,693</b>
(c)	<b>Total of Turnover Savings &amp; Operational Savings = (a) + (b)</b>		<b>4,346,432</b>
<b>Uses of YE 2025 Funds</b>			
(d)	Carryforward into FY 2026 (Anticipate request to Legislature for \$3,700,000)	<i>FY 2026 Carryforward</i>	<b>(3,700,000)</b>
	<b>Total Potential One Time Savings = ( c ) less Carryforward ( d )</b>		<b>646,432</b>
	<b>Less: Judicial Council Requests Previously Approved</b>		<b>(532,800)</b>
	<b>Less: Judicial Council Current Month Spending Requests</b>		<b>-</b>
	<b>Remaining Forecasted Funds Available for FY 2025 YE Spending Requests, CCCF, etc.</b>		<b>113,632</b>

Updated 05/05/2025

#	One-time Spending Plan Requests	Adjusted Requests Amount	Judicial Council Approved Amount
1**	Various Construction Projects (FY 2025) Contingency (10%) (NOT NEEDED)	\$ -	-
2	All Rise Utah Welcome Dinner	\$ -	10,000
3	Q1 / Q2 Performance Bonus	\$ -	156,000
4	Replacement of EMV Credit Card Devices	\$ -	36,500
	Reimbursement from Trust Account Interest Earnings	\$ -	(36,500)
5	Purchasing Utah Code and Court Rules per CIA 3-413	\$ -	30,000
6	Mitigate Laptop Price Increases	\$ -	300,000
7	Bridge Replacement LMS System Go-Live	\$ -	27,700
8	Increase in Secondary Language Stipend	\$ -	9,100
	<b>Current Month One-time Spending Requests</b>	-	
	<b>Previously Approved 1x FY 2024 YE Spending Request</b>		<b>532,800</b>

\* Actual per hour turnover savings for the last 4 pay periods (oldest to newest) are \$1,680.21, \$377.70, \$1,377.23, and \$1,106.69

The average per hour turnover savings FY 2025 YTD is \$1,516.91; most recent week amount includes bonus payments. The remaining available amount of ~\$17,000 is expected to be distributed in these last 5.5 pay periods.

This is a one-time event and future weeks are expected to return to the \$1,500 per pay hour amount.

(b) Operational Savings from TCE / AOC Budgets have been updated. Due to inflation, we expect minimal further operational savings for the rest of the fiscal year.

FY 2024 operational savings were \$1.3M.

\*\* Construction contingency request of \$451,000 is no longer needed as per Chris Talbot. Construction costs have come in under budget.



## FY 2026 Carryforward and Ongoing Requests - Period 10, FY 2025

5/5/2025

### Funding Sources

	One Time	Ongoing
Ongoing Turnover Savings carried over from FY 2024		\$ 140,594
Forecasted YE Ongoing Turnover Savings from FY 2025		\$ 921,069
Subtotal		\$ 1,061,663
Unobligated Fiscal Note Funds - District Court (net)	\$ (10,500)	\$ 20,800
Unobligated Fiscal Note Funds - Juvenile Court	\$ (5,200)	\$ 15,700
Unobligated Fiscal Note Funds - Admin	\$ -	\$ -
Additional Legislative Appropriation	\$ -	\$ 1,000,000
Wellness Council Portion of Carryforward		
Expected Carryforward Amount from Fiscal Year 2025	\$ 3,700,000	\$ -
Total Available Funding	\$ 3,684,300	\$ 2,098,163
Less: Judicial Council Delegated to State Court Administrator for Discretionary Use		\$ (200,000)
Net Ongoing TOS Available for Use	\$ 3,684,300	\$ 1,898,163

### Ongoing Requests

	Presented		Judicial Council Approved	
	One Time	Ongoing	One Time	Ongoing
1 Investing in Our People - Ron Gordon and Neira Siaperas		\$ 1,745,900		\$ 1,745,900
Subtotal	\$ -	\$ 1,745,900	\$ -	\$ 1,745,900
Balance Remaining After Judicial Council Approvals			\$ 3,684,300	\$ 152,263
Balance Remaining Inclusive of "Presented"	\$ 3,684,300	\$ 152,263		

### Carryforward One Time Requests

	Presented		Judicial Council Approved	
	One Time	Ongoing	One Time	Ongoing
1 Investing in Our People - Ron Gordon and Neira Siaperas	\$ 1,334,600		\$ 1,334,600	
Subtotal	\$ 1,334,600	\$ -	\$ 1,334,600	\$ -
Balance Remaining After Judicial Council Approvals			\$ 2,349,700	\$ 152,263
+ Balance Remaining Inclusive of "Presented"	\$ 2,349,700	\$ 152,263		

Prior Report Balances (as of 3/31/2025) \$ 1,980,981 \$ 194,700

#### LEGEND

Highlighted items are currently being presented to the Budget and Fiscal Management Committee.

Highlighted items have been approved by the BFMC and are on track for being presented to the Judicial Council.

Highlighted items have been previously approved by the Judicial Council.

Highlighted items that are Fiscal Note Funds

\* - Items have been presented and approved in prior years.

+ - One-time balance remaining is available to go into Judicial Council reserve. Ongoing balance remaining will be included in the beginning balance for ongoing turnover savings.

^ - Request to Legislature was Not Funded

BFMC approval to submit request to Judicial Council does not imply Judicial Council must approve the recommendation.

If more funds are available than the total of requests received, prioritization is optional.

## Facilities Spending Plan for Large Projects FY25 - 4/28/25 update

Credits in FY25 Only							Details
Richfield Bond	\$ 219,000						To be reallocated to Heber rent in FY26
Farmington Bond	\$ 399,000						To be reallocated to Heber rent in FY26
Heber Additional Rent	\$ 163,000						To be reallocated to Heber rent in FY26
50% Annual Carry Over	\$ -						
Court Complex Surplus*	\$ 800,000						Approved one-time for AF hearing room
<b>Sub Total</b>	<b>\$ 1,581,000</b>						
		(a)	(b)	(c )	(a) - ((b)+(c ))		
Projects	Adjusted Budget	Original Budget	Actual To Date/Projected	Maximum future expected expenditures = 10% of original budget	(Under)/Over Budget	Contingency Available for Use	
Provo FF&E		\$ 60,000	\$ 72,404		\$ 12,404		Completed
Heber FF&E **		\$ -	\$ -		\$ -		N/A
Manti Security Systems ***		\$ -	\$ -		\$ -		N/A
Manti FF&E Overage		\$ 72,000		\$ -	\$ (72,000)		Completed
Roosevelt Design and TI		\$ 269,274	\$ -				Deferred until FY 2026
Provo AV Equipment		\$ 285,000	\$ 104,346		\$ (180,654)		Completed; \$224K actual - \$119K paid in FY24 = \$104K actual
Provo Security Equipment		\$ 42,000	\$ 81,963		\$ 39,963		Completed
Provo / AF Furniture Move			\$ 16,499		\$ 16,499		Completed
AOC 3rd Floor Furniture		\$ 167,000	\$ 174,993		\$ 7,993		Completed
AF Hearing Room Const		\$ 500,000	\$ 704,678	\$ 50,000	\$ 254,678		Will be adjusted as construction is completed
AF Chambers, Office & Support Space Const		\$ 275,000	\$ 330,000	\$ 27,500	\$ 82,500		Will be adjusted as construction is completed
AF FF&E		\$ 65,000	\$ 60,321		\$ (4,679)		Completed
AF AV, access, cameras and Cabling		\$ -	\$ 168,614		\$ 168,614		Harris (\$15,326), Yamas (\$14,465) Cabling (\$14,842), and AV (\$124,981) only; will be adjusted as construction is completed
WJ Juv Shell Buildout		\$ 1,655,000	\$ 1,067,200	\$ 165,500	\$ (422,300)		will be adjusted as construction is completed
WJ FF&E			\$ 41,241		\$ 41,241		recon \$2,982 + new \$38,259; will be adjusted as construction is completed
WJ AV, Sec and Cabling			\$ 106,806		\$ 106,806		Harris \$15,678, AV \$77,958 and cabling \$13,170; will be adjusted as construction is completed
Math 1st Floor Courtroom Const		\$ 720,000	\$ 649,450	\$ -	\$ (70,550)		CO 1 - CO 3 for 28,051. No other COs expected
Math 1st Floor Chambers & Support Spaces Const		\$ 309,000			\$ (309,000)		Included in the courtroom bid/actual
Math AV, Sec and Cabling			\$ 151,198		\$ 151,198		AV \$116,177 + Harris \$21,185 + cabling \$13,836; will be adjusted as construction is completed
Math 1st floor courtroom FF&E		\$ 95,000	\$ 65,553		\$ (29,447)		Completed
<b>Sub Total</b>		<b>\$ 4,514,274</b>	<b>\$ 3,795,266</b>	<b>\$ 243,000</b>	<b>\$ (206,734)</b>		
Total Columns (b) + (c)							Total Spend with Contingency
Adjust for Roosevelt Deferred to FY 2026	\$ (269,274)						
Adjusted Sub Total of Expenditures	\$ 4,245,000	\$ 4,514,274					
<b>Total Net Spend (Credits less Expenditures)</b>	<b>\$ (2,664,000)</b>	<b>\$ (2,933,274)</b>		<b>\$ 4,038,266</b>		\$ (206,734)	Net Base Budget Over/(Under) = adjustment to contingency
						\$ -	Contingency needed (Only If Net Base Budget is Over)
10% Contingency on Expenditures	\$ (424,500)	\$ (451,427)				\$ (451,427)	Total Contingency
<b>Total Net Spend with 10% Contingency</b>	<b>\$ (3,088,500)</b>	<b>\$ (3,384,701)</b>				<b>\$ 150,000</b>	Less: Contingency previously released
						<b>\$ (301,427)</b>	<b>= Contingency to be Released this period</b>

\* Spend down the CCF surplus to \$500K

\*\* \$400K to be paid to Wasatch Co. towards furniture package before 6/30

\*\*\* Funding provided by security funds

## Item 2



# Administrative Office of the Courts

Chief Justice Matthew B. Durrant  
Utah Supreme Court  
Chair, Utah Judicial Council

May 8, 2025

Ronald B. Gordon, Jr.  
State Court Administrator  
Neira Siaperas  
Deputy State Court Administrator

**TO: BFMJ/Judicial Council**

**FROM: Tucker Samuelson, Director of Data and Research**  
**Karl Sweeney, Director of Finance**

**RE: Xchange Fees Increase Proposal – 7.1.2025**

As a follow up to the “Investing in our People” presentation to the Judicial Council on April 28<sup>th</sup>, 2025, we are presenting for Judicial Council approval proposed increases in Xchange fees to fund various items not funded by the Utah Legislature as shown in Exhibit A “Xchange Fees Increase.”

## Recent History of Xchange fee Increases

As a preface to this request, Table 1 gives the Xchange fees increases implemented in the past 10 years. The Xchange program by this name started in March 2011 with a \$30 monthly subscription.

Table 1	Effective 10.2015	Effective 3.2021	Recommended Effective 7.2025	
Description	Fee	Fee		Notes
Account set up fee	\$25.00	\$25.00	\$25.00	One-time upon creation or reactivation of an account
Monthly subscription	\$30.00	\$40.00	\$40.00	Includes 500 free searches per mo.
Case search fee (above free)	\$0.10 per search	\$0.15 per search	\$0.35 per search	
Document download fee	\$0.50 per document	\$0.50 per document	\$1.00 per document	No increase in 10 years
Non subscriber "Guest" Acct. and 1x User Acct.	\$5 per transaction/ session	\$5 per transaction/ session	\$10 per transaction/ session	No increase in 10 years; 10 searches in a Guest session; 1x User is charged \$0.20 per search which is deducted from balance.

The rule that governs these fees is Judicial Council Code of Judicial Administration [4-202.08](#) which covers many different areas in addition to Xchange.

**The mission of the Utah judiciary is to provide an open, fair,  
efficient, and independent system for the advancement of justice under the law.**



### HB 531 Cap on Fees/Revenues

HB 531 limits the collection of fees to the extent they exceed the costs to generate those fees. In the most recent year's HB 531 report (FY 2024), Xchange has \$3.723M of expenses and \$2.235M in revenues for a \$1.4M "cushion" between revenues and expenses.

To gauge how close we will come to using up the Xchange \$1.4M cushion, Court Data and Research and AOC Finance have prepared an estimate of the incremental Xchange revenues these new fees are expected to bring in assuming no change in behavior of current customers, as follows:

Table 2

Year	Total	Search Revenue	Doc Revenue	Guest Revenue
2022	\$ 1,540,610.60	1,227,764.60	\$ 199,426.00	\$ 113,420.00
2023	\$ 1,588,918.00	1,184,962.00	\$ 248,791.00	\$ 155,165.00
2024	\$ 1,658,185.50	1,152,232.00	\$ 297,243.50	\$ 208,710.00

The above estimates are based on the following revenue increases effective July 1, 2025, and assume no behavioral changes in existing customer behavior. For the purposes of our analysis, the only relevant row is 2024 since that is the most recent, and therefore most relevant, year:

- ❖ Increase the case search fee from \$0.15 to \$0.35 per search
- ❖ Increase the document download fee from \$0.50 to \$1.00 per document
- ❖ Increase the guest and 1x user accounts fees from \$5.00 per transaction/session to \$10 per transaction/session.

The increase in case search fees is the largest fee increase and is intended to (1) charge users that are potentially using court data scrapes to market their products (e.g., credit and background investigating agencies or law firms) and are therefore less sensitive to the cost increases as this is still a relatively inexpensive source for information/leads and (2) place a greater charge on users who do more searches and therefore put more of a burden on the system.

Note: We also intend to do several outreaches to attorneys in the state of Utah to bring the Xchange database to their attention and invite them to subscribe.

Although Table 2 does not assume any changes in the behavior of existing customers, we do not believe that will be the case. However, we do not have well-developed predictive tools on what the impact of these increases will be on the behavior of current customers. Our most recent data point shown in Table 3 shows that the 2021 Xchange price increases still had an accretive impact on total revenues in the year of their implementation.

For purposes of this request, we have estimated the revenue increases separately from the revenue reductions as shown below:

FY 2026 Potential increases from the changes in Table 1

*assuming no changes in customer behavior*

\$1,658,000 – see Table 2

FY 2026 Estimated reductions from existing customers

(\$450,000)

FY 2026 NET Increases in revenues

\$1,200,000

Our estimate of (\$450,000) in revenue reductions is therefore one that we will carefully watch in combination with the revenue increases during the first 3 months to ensure the net revenues do not track materially higher than our targeted \$1.2M net increase.

Note: revenue reductions can come from any of the 3 areas (1) current customer non-payment, (2) current customer reduction of the use of any of the Xchange products, (3) current customer loss. We are showing our FY 2026 revenues as net of non-payment, attrition or reduced spending by current customers.

Assuming this forecast of net revenues proves accurate, shown in Table 3 are the actual Xchange revenues over the last 5 years with a forecast for FY 2025 based on YTD run rates continuing.

Table 3	
Xchange Fiscal Year	Xchange Revenues
	Actual      Forecast
FY 2020	\$1,616,900
FY 2021*	\$2,015,500
FY 2022	\$2,187,400
FY 2023	\$2,148,900
FY 2024	\$2,235,200
FY 2025	\$2,297,000
HB 531 Xchange Expenses	
FY 2024	\$3,723,000
Differential (Act Exp - Fcst Rev)	\$1,426,000
Expected Net	Current Cushion
*fee increase year	

Based on the FY 2025 revenue forecast and adding in the forecasted increases in net revenues in FY 2026, it yields the following expected cushion.

Expenses

FY 2026 Forecasted Xchange (a) \$3,800,000 Increase due to price hikes on contracts

Revenues

FY 2025 Forecast Revenues \$2,297,000

FY 2026 Increase in Net Revenue \$1,200,000

FY 2026 Total Forecasted Revenues \$3,497,000 (b)

Expected Future Cushion (a-b) \$303,000

Should our trend for FY 2026 show a Net Revenue forecast of \$3.8M or higher, we will (1) manage revenues down by potentially (1) offering “free months” of service to our Guest accounts, (2) ensuring our expense forecasts include any inflation-adjusted increases or (3) reducing fees. We note that a slight excess revenue condition has happened in prior HB 531 reports and, so long as it is not ongoing and/or material, does not appear to be a concern with the Legislature.

**Conclusion:**

We need the Xchange revenues primarily to fund ongoing IT expenses that were once again ignored by the Legislature (Exhibit A). We believe these increased fees will be primarily on those customers who are profit-based entities and are therefore most willing to bear the higher costs because our data is critical to the selling of their products and these increases still offer great value to them.

We seek approval from the BFMC/Judicial Council to increase the following fees effective July 1, 2025:

- ❖ Increase the case search fee from \$0.15 to \$0.35 per search
- ❖ Increase the document download fee from \$0.50 to \$1.00 per document
- ❖ Increase the guest and 1x user accounts fees from \$5.00 per transaction/session to \$10 per transaction/session.

# Exhibit A



Need	Need		FY26 Appropriation	Judicial Council - Ongoing Turnover Savings				AOC	Xchange Fees Increase	Net New Fiscal Note Money	Hot Spot Bonus Allocation ^
			\$1,000,000					\$270,000	\$1,200,000	\$36,500	\$100,000
	Ongoing	One-time FY26	Ongoing	Ongoing FY26	Ongoing FY27+	One-time FY26	One-time FY27+	Ongoing	Ongoing	Ongoing	One-time FY26
Microsoft+	\$250,000								\$250,000		
Adobe Sign+	\$300,000								\$300,000		
Adobe Pro+	\$128,000								\$128,000		
FTR+	\$220,000								\$220,000		
Appellate e-filing+	\$40,000								\$40,000		
Auto expungement+	\$25,000								\$25,000		
<a href="#">Retroactive Comp Track Salary *</a>	\$0										
<a href="#">First year comp track-salary *</a>	\$377,500		\$33,600	\$343,900	\$370,000						
<a href="#">Retroactive Comp Track Bonuses - 6 month *</a>		\$97,600				\$97,600					
<a href="#">Retroactive Comp Track Bonuses - 18 month *</a>		\$79,000				\$79,000					
<a href="#">First year comp track-bonuses**</a>	\$422,400		\$15,400					\$170,000	\$237,000		
<a href="#">Enhanced bonuses</a>	\$558,000		\$389,000	\$89,000				\$80,000			
<a href="#">Retroactive Enhanced Bonuses</a> (100k pd with HotSpot)		\$336,200				\$236,200					\$100,000
"Above Average" Year - Enhanced Bonuses		\$11,300				\$11,300					
<a href="#">Time-limited JA positions***</a>		\$183,000				\$183,000					
7 JA positions****	\$595,000		\$470,000	\$68,500				\$20,000		\$36,500	
Increased Incentive awards (base \$280K)		\$280,000				\$280,000					
Increased Incentive awards (2027 amount)							\$280,000				
Extra Funds for Legislative Performance Bonus		\$447,500				\$447,500					
Compression offset	\$200,000		\$92,000	\$108,000							
Senior JA and PO positions (14 JA 8 PO)	\$100,000			\$100,000							
<b>Total</b>	\$3,215,900	\$1,434,600	\$1,000,000	\$709,400	\$370,000	\$1,334,600	\$280,000	\$270,000	\$1,200,000	\$36,500	\$100,000
Projected Available			\$1,000,000	\$940,594	\$777,819	\$1,447,150	\$361,040	\$270,000	\$1,200,000	\$36,500	\$100,000
Balance (over) / under budget			\$0	\$231,194	\$407,819	\$112,550	\$81,040	\$0	\$0	\$0	\$0

## Item 3

## Annual Setting of Court Commissioners' Salary - FY 2026

The Judicial Council approves uses of Ongoing Turnover Savings. **This is a request to the Budget and Fiscal Management Committee and the Judicial Council to set the Court Commissioner salary for FY 2026 as required by CJA Rule 3-201 (9) (A).**

**Date:** 4/29/2025

**Department or District:** District Courts

**Requested by:** Ron Gordon, Shane Bahr, and Bart Olsen

**Request title:** Proposed Court Commissioner FY 2026 Salary

**Proposed New Annual Pay:** \$197,330\* **Funded from 2.5% Judicial Officers' Legislative Appropriations**

**Request:**

Per the Code of Judicial Administration rule 3-201 (9) (A),

"The Council shall annually establish the salary of court commissioners. In determining the salary of the court commissioners, the Council shall consider the effect of any salary increase for judges authorized by the Legislature and other relevant factors. Except as provided in paragraph (6), the salary of a commissioner shall not be reduced during the commissioner's tenure."

Per the 2025 Legislative session HB 8, district and juvenile judge salaries are scheduled to increase from \$213,900 to \$219,250 effective June 23, 2025, which is a 2.5% increase (rounded to the nearest \$50). We are seeking to set the salary for all 11 court commissioners for FY 2026 to also increase 2.5% from \$192,504 to \$197,330 to maintain the approximate 90% ratio. This request will be entirely funded through legislative appropriations for FY 2026; no use of Court internally generated ongoing turnover savings (TOS) is needed.

**Executive summary (include background/history, expected outcomes, relation to performance measures and court mission). Attach supporting data or documents.**

Historically, court commissioners pay was 90% of the pay of district/juvenile judges. This percentage is not set in rule or statute. As stated in our funding request to the legislature for the March 2021 legislative session, "between July 2015 and August of 2020, 50% of the sitting commissioners left the bench", which as shown in the chart below was also a period where the 90% relationship was lowered.

	Fiscal Year	2021	2022	2023	2024	2025	2026 Proposed <sup>1</sup>
Judge Rate		\$170,450	\$175,550	\$185,200	\$203,700	\$213,900	\$219,250
Commissioner Rate		\$144,186	\$157,997	\$166,700	\$183,326	\$192,504	\$197,330
Commissioner / Judge		84.6%	90.0%	90.0%	90.0%	90.0%	90.0%
Comm. Hourly Tier 1 and new Tier 2						\$92.55	\$94.87
Comm. Hourly "grandfathered" Tier 2 <sup>2</sup>						\$93.20	\$95.53

<sup>1</sup> This would be an hourly rate of \$94.87 based upon 2080 hours = \$197,330. Since FY 2026 has 2088 hours, Commissioners will actually be paid \$198,088.56 (\$94.87 x 2088 hours)

<sup>2</sup> Grandfathered Tier 2 employees are those employees who received an additional increase in pay of .7% or 70 basis points (where 1% = 100 basis points) to offset an increase of employee funded cost in Tier 2 retirement benefits of the same amount for FY 2025. Note: An additional employee funded increase of .11% or 11 basis points (where 1% = 100 basis points) was enacted in FY 2026 but was not offset with funding from the Legislature. The FY 2026 increase means a Court Tier 2 employee making \$50,000 per year will pay \$55 per year towards their Tier 2 retirement that will not be reimbursed.

## Annual Setting of Court Commissioners' Salary - FY 2026

\*The Commissioners (as a group) have requested that the BFMC/Judicial Council also consider funding the .11% Tier 2 retirement funding increase (that has been apportioned to all Tier 2 retirees in the state by the Legislature) such that it would be added to their gross pay much as the Legislature did for FY 2025.

The cost of this additional ongoing funding is set forth as follows:

		Tier 2 Commissioner Incremental Ongoing Payment		
Number of Tier 2 Commissioners	(a)	5		
Base pay with FY 2026 COLA	(b)	\$95.53		
Actual work hours in FY 2026	(c)	2088		
Gross Salaries for FY 2026 (a*b*c)	(d)	\$997,333		
SS Earning Cap for FY 2026		\$176,100		
Number of Tier 2 Commissioners		5		
Gross Salaries subject to SS (d-e)	(e)	\$880,500		
Gross Salaries above SS cap (d-e)	(e)		\$116,833	
Benefits rate w SS	(f)	1.2835		
Benefits rate w/o SS	(f)		1.2215	
Gross salaries with Benefits (e*f)		\$1,130,122	\$142,712	
Tier 2 Retirement Contribution %		0.11%	0.11%	
Incremental Funding Needed FY 26		\$1,243	\$157	\$1,400

- Since the Legislature did not provide funding for this offset to any State agency, it is highly unlikely that Tier 2 benefitted State Employees in other agencies will be receiving an offset for this charge.
- If the .11% was applied to the rest of the Tier 2 benefitted employees in the Judicial Branch for FY 2026, the cost would be approximately \$67,000.
- For reference, the .7% increase (enacted in FY 2025) for the Judiciary was funded by the Legislature in the amount of \$367,900.
- The presentation "Investing in our People" presented by Neira Siaperas in April 2025 forecasted ongoing available funding is currently projected to be only \$231,200 at the end of FY 2026 due to the heavy demands for ongoing funds assumed in the request. Although \$231K is enough to fund the .11% for the whole of the Judiciary this fiscal year, it is a dangerous precedent as there is a strong likelihood that this use would leave insufficient funding to fulfill the "Investing in our People" program.
- The attached Exhibit A gives a fuller explanation of the employee contribution towards their Tier 2 retirement plan.

# Rate Change Will Impact the Hybrid Option Benefit

**You'll be required to make a member contribution equal to 0.7% of your salary to fund your benefit in 2024-25.**

As a member of the Tier 2 Public Employees System who has chosen the Hybrid Option, your employer pays the equivalent of 10% of your salary to fund your benefit.

If the yearly, actuarially determined cost to pay future benefits – the pension contribution rate – is less than 10%, you get the difference in the form of an employer-paid 401(k) contribution. This has been the case since the system was created by the Utah Legislature in 2011.

The system was also designed so that if the pension contribution rate exceeds the employer contribution, the member must contribute from their paycheck to help fund the benefit.

**Member Contribution FAQs:**  
[www.urs.org/ratesfaqs](http://www.urs.org/ratesfaqs)

**Contribution Rate Explainer and History:** [www.urs.org/rates](http://www.urs.org/rates)

Effective July 2024, the pension contribution rate will increase into the range to require a member contribution equal to 0.7% of your salary.

This means you'll have to pay a small amount from your paycheck to fund your Tier 2 Public Employee Hybrid Option benefit beginning July 2024. Your employer will automatically deduct this contribution each paycheck.

## Example of What You'll Pay Out-of-Pocket

*These examples provide a perspective on how much you'll contribute after-tax to help fund your benefit. Compare that small cost to the potential lifetime monthly benefit you could receive.*

Sample Salary	Amount deducted each paycheck if paid biweekly	Amount deducted each paycheck if paid monthly	For perspective, your potential lifetime monthly benefit*
\$40,000	\$10.77 / biweekly	\$23.33 / monthly	\$1,750 monthly benefit
\$60,000	\$16.15 / biweekly	\$35 / monthly	\$2,625 monthly benefit
\$80,000	\$21.53 / biweekly	\$46.67 / monthly	\$3,500 monthly benefit

\*For illustrative purposes only. This example assumes a 35-year career and yearly 3% salary increase.

SEE OTHER SIDE 



# Who

## Who is impacted by this change?

This change applies to members in the **Tier 2 Public Employees System in the Hybrid Option**. You're in the Tier 2 system if you were hired on or after July 1, 2011 without previous URS service credit. Check with your employer or log in to myURS at [www.urs.org](http://www.urs.org) to find out which system is yours.

Your benefit is the Hybrid Option if you elected it, or were defaulted into it, after your 12-month decision period following your hire date. Because of state and federal law, you are unable to change your election after 12 months.

**Members who chose the 401(k) Option (Defined Contribution Plan) aren't impacted.**

# What

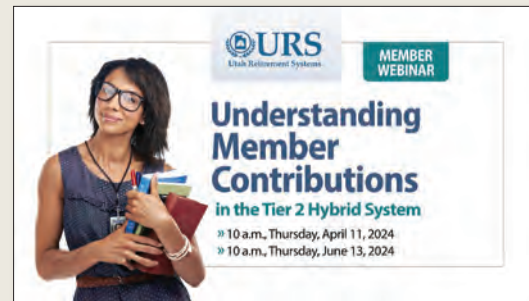
## What do I need to do to pay my contribution?

Nothing. Your employer will automatically deduct this contribution from your paycheck.

# When

## When will I begin contributing?

The 0.7% member contribution will be automatically deducted after-tax from your first paycheck on or after July 1, 2024. If you're a school employee with a contract that starts September 1, the contribution will go into effect on your first paycheck after September 1, 2024.



This free webinar will explore how the Tier 2 system is designed to ensure adequate funding and why member contributions will be required.

» 10 a.m., June 13 | » 2 p.m., July 16

Register at [www.urs.org/ratesfaqs](http://www.urs.org/ratesfaqs)

# Why

## Why are member contributions now required in my system?

This system was designed to require member contributions if costs to fund projected future benefits exceed a certain level. The projected costs have increased substantially recently, largely due to greater than expected salary increases among Utah public employees after 2020.

Because the amount of your retirement benefit is tied to your salary, bigger raises will lead to larger monthly payouts in retirement. To ensure that your benefit is well-funded, URS, in consultation with our actuaries, increased the pension contribution rate ([www.urs.org/rates](http://www.urs.org/rates)) above the amount that employers are required to pay each pay period to fund your benefit.

Contribution rates are re-evaluated yearly and may change from year-to-year, depending on the projected costs of future benefits. To better understand contribution rates and their impact on your retirement benefit, go to [www.urs.org/rates](http://www.urs.org/rates).

## Item 4



Nicolas Stiles  
Appellate Court Administrator

Nicole J. Gray  
Clerk of Court

**Supreme Court of Utah**  
450 South State Street  
P.O. Box 140210  
Salt Lake City, Utah 84114-0210

Appellate Clerks' Office  
Telephone 801-578-3900  
Email: [supremecourt@utcourts.gov](mailto:supremecourt@utcourts.gov)

Matthew B. Durrant  
Chief Justice  
John A. Pearce  
Associate Chief Justice  
Paige Petersen  
Justice  
Diana Hagen  
Justice  
Jill M. Pohlman  
Justice

Dear Utah Judicial Council,

Please find included here a request to apply for a Utah Bar Foundation grant in the amount of \$10,000. The grant will be in support of the Utah Supreme Court's Ad Hoc Committee on Regulatory Reform. Information about the purpose of the funding is included in the application material for the Utah Bar Foundation.

Thank you for considering our request to apply for the funding.

Respectfully,

Nick Stiles  
Appellate Court Administrator

Attachments:  
Tab 1. Letter to Utah Bar Foundation  
Tab 2. AOC Grant Application Form



Nicolas Stiles  
Appellate Court Administrator

Nicole J. Gray  
Clerk of Court

## Supreme Court of Utah

450 South State Street  
P.O. Box 140210  
Salt Lake City, Utah 84114-0210

Appellate Clerks' Office  
Telephone 801-578-3900  
Email: [supremecourt@utcourts.gov](mailto:supremecourt@utcourts.gov)

Matthew B. Durrant	Chief Justice
John A. Pearce	Associate Chief Justice
Paige Petersen	Justice
Diana Hagen	Justice
Jill M. Pohlman	Justice

Dear Ms. Paulding,

Thank you for considering the following grant application.

In August 2020, the Utah Supreme Court launched the Regulatory Sandbox to study innovative and nontraditional models for the provision of legal services in a well-regulated experimental sandbox. The Supreme Court is very appreciative of the Utah Bar Foundation's continued support of Sandbox entities.

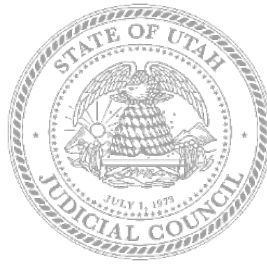
As we approach the five-year mark of the experiment, we now have the data and experience to design long-term, post-Sandbox solutions to sustain and expand civil access to justice. Just over two years from now, in August 2027, the Regulatory Sandbox is set to conclude. In anticipation of its conclusion, the Supreme Court is creating a special ad hoc advisory committee that will study the first five years of the experiment and lessons learned from similar reform efforts across the country and recommend to the Supreme Court permanent rule changes to institutionalize the Sandbox's successes. The Supreme Court's Ad Hoc Committee on Regulatory Reform will include four multistakeholder working groups, each focused on a key area: Rule 5.4; Licensed Paralegal Practitioners; Community Justice Advocates; and Artificial Intelligence and Legal Technology. The co-chairs of this effort are Nick Stiles, Appellate Court Administrator, and Maryt Fredrickson, Chief of Staff to the Chief Justice, two leaders with long histories in access to justice efforts.

The purpose of this grant application is to fund two one-year law student fellowships to support the project. The Regulatory Reform Fellows will assist the co-chairs in managing the ad hoc committee, researching the existing and available data, and drafting the final report that will be presented to the Supreme Court in August 2026. The Regulatory Reform Fellowships will be open to all current law students at the University of Utah and Brigham Young University. The Regulatory Reform Fellows will receive a \$5,000 stipend in exchange for 5-8 hours of work per week on the project. It is anticipated that the fellowships will begin in August 2025 and conclude with the presentation of the Committee's report to the Supreme Court in August 2026. Total requested funding: One-time award of \$10,000.

Thank you for considering our request.

*Nicholas Stiles*

Nick Stiles  
Appellate Court Administrator



# Administrative Office of the Courts

## Grant Application Proposal (GAP) Non-Federal Grant

May 2, 2025

A. Contact Information	
<b>Applicant Name:</b>	Nick Stiles, Appellate Court Administrator
<b>Applicant Phone:</b>	385-303-3305
<b>District or Court Area:</b>	Utah Supreme Court

B. Grant Details			
<b>Grantor:</b>	Utah Bar Foundation		
<b>Title of Grant:</b>	Utah Supreme Court Regulatory Reform Fellowship		
<b>Application Deadline:</b>	May 19 <sup>th</sup>		
<b>Amount Requested:</b>	\$10,000		
<b>Grant Period Begins:</b>	August 2025	<b>Ends:</b>	August 2026
<b>Award Type:</b>	<input checked="" type="checkbox"/> Recipient	<input type="checkbox"/> Subrecipient	

C. Legislative Reporting: Statutory Grant Impact <sup>1</sup>	
<b>Tier 1 – Low</b>	<input checked="" type="checkbox"/>
At least \$10k but less than \$50k per year, and no new permanent full or part time employees; and no new state monies required as match (report GAP with Judicial Council approval to LFA and EAC only).	
<b>Tier 2 – Med</b>	<input type="checkbox"/>
Greater than \$50k but less than \$1M per year; or adds more than zero but less than 11 permanent full or part time employees; or requires state to expend up to \$1M per year in new state monies as match (submit GAP with Judicial Council approval to EAC for review and recommendations).	
<b>Tier 3 – High</b>	<input type="checkbox"/>
Greater than \$1M per year; or adds more than 11 permanent full or part time employees; or requires state to expend greater than \$1M per year in new state monies as match (submit GAP with Judicial Council approval to the Legislature for review to approve or reject the grant).	

Reference: Accounting Manual §11-07.00 Exhibit A(II)(a-c) & UCA 63J-7-§202 & §203

<sup>1</sup> Grant funds awarded through the Commission on Criminal & Juvenile Justice (CCJJ), Utah Office for Victims of Crime (UOVC), or other authorized State Administering Agency (SAA), are appropriated by the legislature prior to the issuing of subawards; accordingly, SAA-issued subawards are not reported by the recipient to the LFA for EAC/EOCJ review. "Impact Tier" may still be assigned for completeness and purposes of GAP assessment.

1. Describe **(a)** how this grant will support the mission of the Utah Courts to provide the people an open, fair, efficient, and independent system for the advancement of justice under the law; and **(b)** how this grant provides measurable benefits to marginalized, minority, pro se, or similar underserved individuals or communities.

The purpose of this grant is to award two fellowships to support the Utah Supreme Court's Ad Hoc Committee on Regulatory Reform for one year. The fellowships will be awarded to two law students. Each fellow would receive a \$5,000 stipend and be expected to work 5-8 hours a week. The award period is August 2025 to August 2026.

Article VIII, Section 4 of the Utah Constitution says that the Utah Supreme Court shall govern the practice of law, including admission to practice law and the conduct and discipline of persons admitted to practice law. The Supreme Court launched the Office of Legal Services Innovation (Regulatory Sandbox) in 2020 to increase access to justice. After the first five years of the Regulatory Sandbox, the Supreme Court created an Ad Hoc Committee on Regulatory Reform to study and report on the first five years of operations, accumulated data, national data from states now using similar initiatives, and advancing technology including artificial intelligence. The Committee's work is broad in scope, with four working groups dedicated to: Rule of Professional Conduct 5.4, Licensed Paralegal Practitioners, Community Justice Advocates, and AI/Legal Technology. The Committee's report to the Supreme Court will identify successes and lessons learned since the launch of the Sandbox. The report will also include recommendations on which features of the Regulatory Sandbox the Court should institutionalize, and which features should be abandoned. The Ad Hoc Committee on Regulatory Reform will disband after the report is presented to the Supreme Court.

2. Describe the court resources required to carry out the project in the post-award phase and subsequent to grant closeout once funds are expended.

The Supreme Court has tasked Nick Stiles, Appellate Court Administrator, and Maryt Fredrickson, Chief of Staff to the Chief Justice, with Co-Chairing the Committee and being the primary authors of the report. The purpose of the \$10,000 grant funding is to have the two Regulatory Reform fellows assist in the research and drafting of the report and supporting the Ad Hoc Committee on Regulatory Reform. The fellows would also serve as recording secretaries permitted under UCJA Rule 11-101(7).

3. Explain whether additional state funding shall be required to maintain or continue this program, or its infrastructure, when the grant concludes. **If yes**, will the funds required to continue this program come from within your existing budget?

None. This is to support two one-year, 5-8 hours a week, fellowships.

4. How many **new permanent** full or part-time employees are required for the grant project at peak levels of grant-funded employment? If none, write "N/A."

N/A.

5. How many **new temporary** full or part-time employees are required for the grant project at peak levels of grant-funded employment? If none, write "N/A."

This grant will fund two temporary part-time fellows, who will work 5-8 hours per week from August 2025 to August 2026.

## E. Anticipated Budget

Please indicate the estimated grant expenditures for up to three state fiscal years.

NO MATCH REQUIREMENT		
Fiscal Year		Funds Disbursed
FY	2026	\$10,000 (no match required)
FY		\$
FY		\$



## **F. Resource Impact Assessment**

*This section completed by Grant Coordinator*

*UCJA Rule 3-411 (4)*

### **Summary Recommendation**

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This grant proposal is well-aligned with the mission of the Judiciary and no material resource impacts are anticipated during implementation, nor are ongoing resources required once grant funds are expended. The Regulatory Reform Fellows will meaningfully support the Utah Supreme Court's Ad Hoc Committee by contributing to research, drafting, and administrative tasks associated with its final report. Beyond advancing the Supreme Court's efforts, the fellowships also provide a valuable professional development opportunity for two emerging legal professionals.

**Assessment Criteria 1:** Capacity of impacted court areas to successfully support the grant at current staffing levels (UCJA Rule 3-411 (4)(a)(i)).

---

The Utah Supreme Court has sufficient capacity to support this project under current staffing levels. Nick Stiles (Appellate Court Administrator) and Maryt Fredrickson (Chief of Staff to the Chief Justice) are already leading the Ad Hoc Committee and will provide grant oversight and implementation. The addition of two Regulatory Reform fellows performing 5-8 hours of work per week will not strain existing resources. The fellows will serve in a supportive capacity and within a narrow scope, primarily aiding in research, drafting, and recordkeeping. No new permanent court staff are required.

**Assessment Criteria 2:** Anticipated incremental impacts to AOC resources once grant funds are expended (UCJA Rule 3-411 (4)(a)(ii)).

---

There are no anticipated impacts to AOC resources once grant funds are expended. The two temporary fellowship positions are limited to 12 months and will not require ongoing support. The project is time-limited, concluding with the Committee's final report. There is no expectation of state funding to sustain the fellowships beyond August 2026.

This proposal has been reviewed and approved by the following (complete all that apply):

☒ Applicable Board of Judges and Court Level Administrator

☒ AOC Grant Coordinator and Finance Director

☒ The Utah Supreme Court (UCJA Rule 3-105)

Approved by the Judicial Council (date):

State Court Administrator Signature

Tab 5

**Rule 4-202.08. Fees for records, information, and services.****Intent:**

To establish uniform fees for requests for records, information, and services.

**Applicability:**

This rule applies to all courts of record and not of record and to the Administrative Office ~~of the Courts~~. This rule does not apply to the Self-Help Center.

**Statement of the Rule:**

(1) **Fees payable.** Fees are payable to the court or office that provides the record, information, or service at the time the record, information, or service is provided. The initial and monthly subscription fee for public online services is due in advance. The connect-time fee is due upon receipt of an invoice. If a public online services account is more than 60 days overdue, the subscription may be terminated. If a subscription is terminated for nonpayment, the subscription will be reinstated only upon payment of past due amounts and a reconnect fee equal to the subscription fee.

(2) **Use of fees.** Fees received are credited to the court or office providing the record, information, or service in the account from which expenditures were made. Fees for public online services are credited to the Administrative Office ~~of the Courts~~ to improve data quality control, information services, and information technology.

(3) **Copies.** Copies are made of court records only. The term "copies" includes the original production. Fees for copies are based on the number of record sources to be copied or the means by which copies are delivered and are as follows:

(3)(A) paper except as provided in (D): \$.25 per sheet;

(3)(B) electronic storage medium other than of court hearings: \$15.00 per unit;

(3)(C) electronic copy of audio record or video record of court proceeding: \$15.00 for each one-half day of testimony or part thereof; and

(3)(D) pre-printed forms and associated information: an amount for each packet established by the state court administrator.

(4) **Mailing.** The fee for mailing is the actual cost. The fee for mailing ~~shall~~will include necessary transmittal between courts or offices for which a public or private carrier is used.

(5) **Fax or e-mail.** The fee to fax or e-mail a document is \$5.00 for 10 pages or less. The fee for additional pages is \$.50 per page. Records available on Xchange will not be faxed or e-mailed.

44 **(6) Personnel time.**

45 (6)(A) There is no fee for the first 15 minutes of personnel time required to provide the  
46 copy, record, information, or service, unless the person who submits the request:

47  
48 (6)(A)(i) is not a Utah media representative; and

49  
50 (6)(A)(ii) has submitted a separate records request within the 10-day period  
51 immediately prior to the date of the request to which the court or office is  
52 responding.

53  
54 (6)(B) The fee for time beyond the first 15 minutes is charged in 15--minute increments  
55 for any part thereof. The fees for personnel time may be set by the State Court  
56 Administrator and the rates charged should be for the least expensive group capable of  
57 providing the record, information, or service.

58  
59 **(7) Public online services.**

60 (7)(A) The fee to subscribe to Xchange ~~shall~~will be as follows:

61  
62 (7)(A)(i) a set-up fee of \$25.00;

63  
64 (7)(A)(ii) a subscription fee of \$40.00 per month for any portion of a calendar month; and

65  
66 (7)(A)(iii) ~~\$45~~ \$35 for each search over 500 during a billing cycle. A search is counted  
67 each time the search button is clicked.

68  
69 (7)(B) The fee to access public online services without subscribing ~~shall~~will be a  
70 transaction fee of ~~\$5.00~~ \$10.00, which will allow up to 10 searches during a session.

71  
72 (7)(C) The fee to access a document ~~shall~~will be ~~\$50~~ \$1.00 per document.

73  
74 **(8) Bulk Data.** If approved, individuals or entities may subscribe to receive indexed court data  
75 authorized under rule 4-202.02(2)(L) electronically in bulk. The fee to receive bulk data may be  
76 set by the State Court Administrator. Requests for bulk data should be made to the Office of  
77 Judicial Data and Research.

78  
79 **(9) No interference.** Records, information, and services ~~shall~~will be provided at a time and in a  
80 manner that does not interfere with the regular business of the courts. The Administrative Office  
81 of the Courts may disconnect a user of public online services whose use interferes with  
82 computer performance or access by other users.

83  
84 **(10) Waiver of fees.**

85

(10)(A) Subject to (10)(B), fees established by this rule, other than fees for public online services, ~~shall~~will be waived for:

(10)(A)(i) any government entity of Utah or its political subdivisions if the fee is minimal;

(10)(A)(ii) any person who is the subject of the record and who is indigent;

(10)(A)(iii) any court appointed attorney acting on behalf of a client, if the client would qualify for a fee waiver under (10)(A)(ii); and

(10)(A)(iv) a student engaged in research for an academic purpose.

(10)(B) Individuals who qualify for a fee waiver under (10)(A)(ii) and (10)(A)(iii) are entitled to one free copy of the record requested. The State Court Administrator may waive the one free copy limit under this rule for good cause.

(10)(C) Fees for public online services ~~shall~~will be waived for:

(10)(C)(i) up to 10,000 searches per year for a news organization that gathers information for the primary purpose of disseminating news to the public and that requests a record to obtain information for a story or report for publication or broadcast to the general public;

(10)(C)(ii) any government entity of Utah or its political subdivisions;

(10)(C)(iii) the Utah State Bar;

(10)(C)(iv) public defenders for searches performed in connection with their duties as public defenders; and

(10)(C)(v) any person or organization who the XChange administrator determines offers significant legal services to a substantial portion of the public at no charge.

Effective: ~~January~~ May 201, 2025~~4~~

Tab 6



# Administrative Office of the Courts

Chief Justice Matthew B. Durrant  
Utah Supreme Court  
Chair, Utah Judicial Council

May 13, 2025

Ronald B. Gordon, Jr.  
State Court Administrator  
Neira Siaperas  
Deputy State Court Administrator

## MEMORANDUM

**TO:** Utah Judicial Council

**FROM:** Judge Rich Mrazik and Janine Liebert, on behalf of the Standing Committee on Resources for Self-represented parties

**RE:** Annual Report of Standing Committee on Resources for Self-represented Parties

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The Standing Committee on Resources for Self-represented Parties (the Self-rep Committee) provides its annual update to the Council pursuant to CJA 1-205(1)(D)(i).

The Self-rep Committee is authorized and guided by CJA 3-115, which says (in relevant part):

- (1) The committee shall study the needs of self-represented parties within the Utah State Courts, and propose policy recommendations concerning those needs to the Judicial Council.
- (2) Duties of the committee. The committee shall:
  - (2)(A) provide leadership to identify the needs of self-represented parties and to secure and coordinate resources to meet those needs;
  - (2)(B) assess available services and forms for self-represented parties and gaps in those services and forms;
  - (2)(C) ensure that court programs for self-represented litigants are integrated into statewide and community planning for legal services to low-income and middle-income individuals;
  - (2)(D) recommend measures to the Judicial Council, the State Bar and other appropriate institutions for improving how the legal system serves self-represented parties; and
  - (2)(E) develop an action plan for the management of cases involving self-represented parties.

This year the Committee has continued to focus on the development of non-lawyer community justice advocates (CJAs) to help fill the pernicious access to justice gap. We are pleased to report that these efforts continue to bear fruit, as summarized below.

**The mission of the Utah judiciary is to provide the people an open, fair, efficient, and independent system for the advancement of justice under the law.**



- The Community Advocate Program (CAP) that originated at Timpanogos Legal Center (TLC) trains victim advocates as Community Justice Advocates (CJAs) to provide limited scope legal advice regarding protective orders and civil stalking injunctions. There are roughly 21 victim advocates who have either fulfilled their CJA training obligations or are in the process of doing so. CJAs are employed by community organizations throughout the state. Current focus is on expanding the CAP programs beyond protective orders to include advocates for housing stability and medical debt.
- A training program through Utah State University's School of Social Work and Transforming Communities Initiative is now underway to train new and existing social workers across the state as CJAs. The pilot program is focused on certifying social workers who are already employed by human services organizations. The focus area for the USU/TCI CJAs is debt collection. The program is currently training 17 CJAs and is expected to scale up statewide in the coming years.
- The debt collection CJAs are being trained and supervised through a partnership between Utah State University's Transforming Communities Institute and Nonprofit Legal Services of Utah. The housing stability CJAs are being trained by Innovation for Justice (i4j) and supervised by a new nonprofit, Community Justice Advocates of Utah.
- The USU/NLSU partnership and Community Justice Advocates of Utah are authorized to operate within the Supreme Court's Office of Legal Services Innovation (aka "the Sandbox").

In addition to this work, the Self-Rep Committee supported efforts to change Rule 1-205 Standing and Ad Hoc Committees to add community (non-lawyer) voices on Council committees. The Self-Rep Committee continues to monitor the needs of litigants in Utah and to respond to other issues as they arise, such as the need for more volunteer lawyers on consolidated calendars. One way to address the scarcity of lawyers is to consider leveraging virtual appearances to operate consolidated calendars across districts. Planning for a pilot project to test the viability of such a calendar is underway. The Committee is also supporting efforts to re-establish Community Court.

At its final meeting in 2024, the Self-Rep Committee held an in-person meeting that was focused on priority setting. Committee members expressed support for the further development of the CJA programs as a top priority. Other top priorities include making forms and rules more comprehensible and accessible to the majority of court users; maintaining and expanding the consolidated debt collection, immediate occupancy, and domestic law calendars; identifying ways to provide upstream help in high-need areas; and strengthening collaborations with community partners.

Tab 7

# Administrative Office of the Courts



**Chief Justice Matthew B. Durrant**  
Utah Supreme Court  
Chair, Utah Judicial Council

**Ronald B. Gordon, Jr.**  
State Court Administrator  
**Neira Siaperas**  
Deputy State Court Administrator

## Memorandum

**Date:** May 1, 2025

**From:** Bart Olsen and Jeremy Marsh, Department of Human Resources  
[Human Resources Policy Review Committee](#)

**To:** Judicial Council

**Re:** Summary of Human Resources Policy Amendments for Final Approval

### BACKGROUND

Consistent with [Rule 3-402\(5\)](#), the Human Resources Policy Review Committee (HRPRC) meets regularly to review suggested policy amendments. The HRPRC assists the Policy, Planning & Technology Committee and the Judicial Council to keep these policies relevant and effective.

#### 1. HR11-1: Disciplinary Action

These amendments intend to help facilitate consistency between two policy sections: HR10 (Employee Development) and HR11 (Discipline). The current language in the header to HR10 encourages managers to use similar employee development procedures for at-will employees as those that are required for career service employees. In contrast, HR11 mentions nothing about whether managers are encouraged to follow procedures similar to due process for at-will employees prior to taking disciplinary action. This occasionally results in some confusion. While due process procedures should not be rigidly required for at-will employees prior to discipline, due process procedures certainly tend to result in better employee morale. These amendments clear up that confusion.

Link to redlined policy: [HR11-1](#)

## **2. HR17-9, HR03-5, HR17-1, and UCJA Rule 3-402(6): Grievance Provisions**

### **HR17-9 Grievance Review Panel Membership:**

Employment actions eligible to be advanced to the Grievance Review Panel (GRP) almost always originate from an employee whose line of management points to one of the currently established GRP members (administrators of the appellate, district, and juvenile court levels and the Assistant State Court Administrator). The best practice to avoid undue influence from a party who may have influenced the original decision is to exclude the panel member in the original decision-making line of authority as a voting member of the panel reviewing a particular grievance. The remaining panel members are already required by policy to consider the perspectives of managers who made the original decision to take the action being grieved.

Additionally, best practices would ensure the panel membership consists of an odd number when reviewing a grievance, to avoid a tied vote in a grievance review. These policy amendments should aid in transparency and employee trust in the grievance review process.

### **HR03-5 Position Classification Grievances**

Prior to a major human resources policy manual overhaul in July 2021, job classification decisions were not eligible to be reviewed at the level of the GRP. This is sensible for the following reasons: the GRP would have little knowledge of or expertise in job classification, position classification is generally determined independently by a human resources specialist, and the classification decision was subject to a higher-level subject matter expert review (the director of human resources) if an employee disagreed with the classification decision. Inadvertently, this important nuance slipped through the cracks in July 2021, leaving a body of non-subject matter experts responsible to review position classification grievances.

Although there have been no position classification grievances filed since that time, a recent question from an employee brought this oversight to the attention of the HR Department. We believe members of the GRP would rather avoid an unpleasant surprise sometime in the future. This amendment would spare them the burden of reviewing positions for proper job classification by restoring the procedure in place prior to July 2021: classification decisions made by a human resources specialist could be grieved to the director of human resources, subject to a final review and decision by the State Court Administrator if necessary.

### **HR17-1 Eligibility and Procedural Requirements**

These amendments would clear up confusion about the process for reviewing allegations of retaliation. All employees (not just career service employees) are subject to the provisions of HR15-2 prohibiting retaliation and all employees may use the complaint procedures outlined in HR15-3. The amendments also eliminate unnecessary repetition of language provided in UCJA Rule 3-402(6) and instead point directly to that rule.

### **Judicial Code 3-402(6)**

Provision (6) of the rule currently appears to protect much more than is generally seen in state and local government career service systems. Most do provide grievance procedures for adverse actions taken against career service employees, but the language in Rule 3-402(6) as it reads today would allow an employee to file a grievance on any kind of personnel action, placing a potentially unreasonable and senseless burden on the GRP.

For example, an employee could grieve the action their supervisor took to set the employee's work schedule as Monday-Friday, 8 am to 5 pm; or the action of issuing work performance expectations; or the action of asking a more seasoned employee to train a newer employee on a complex job task.

The GRP has not yet received grievances on more trivial matters such as these, but members of the human resources department have received a small number of questions from employees about grieving such things. This drew attention to a potential problem that could be easily resolved before becoming a real problem. The proposed rule amendments would clarify that the GRP has authority to review adverse actions taken against career service employees and defines what constitutes an adverse action.

Links to redlined policies: [HR17-9](#), [HR03-5](#), [HR17-1](#), and [UCJA Rule 3-402\(6\)](#)

### **3. HR17-5 and HR17-8: Mediation**

In the past five years, 20 formal grievances have been filed with the department of human resources, and 3 of the 20 requested mediation. Despite the low number, all three mediations were quite costly in terms of time, staffing resources, and budget. Additionally, none of the mediated cases led to a single change in case outcomes.

Prior to July 2021, due process procedures for career service employees were often neglected, which meant that all too often, employees were deprived of notice of intended disciplinary action before the action was taken and an opportunity to respond. Mediation, therefore, served somewhat as a useful safety net. But since July 2021, due process procedures were clearly articulated for the first time in policy and communicated to all levels of management in every district with statewide training. The human resources department works closely with managers on all disciplinary actions to ensure due process for career service employees is provided. Not only do we believe this is one of the main reasons such a low number of requests for mediation have occurred in the past five years, but that it also demonstrates the need for mediation as a safety net no longer exists. These amendments would remove the unnecessary burden and costs of mediation since due process procedures more effectively meet employee needs.

Links to redlined policies: [HR17-5](#), [HR17-8](#)

#### 4. HR07-3: Maximum Annual Leave Accrual (7 Hours)

A generally accepted practice of granting the maximum amount of annual leave (seven hours per pay period) for new hires in the Information Technology (IT) Department began in January 2019 under a previous administration – a different State Court Administrator, different HR Director, and a different IT Director. The argument at the time was that IT needed a standing exception for job offers to be competitive in the job market and reduce turnover. This practice was adopted at the time without approval from the State Court Administrator and prior to the practice of bringing HR policies to a review committee. The practice then extended to the Research and Development (R&D) Department in 2023, after R&D separated from IT and became its own department. Policy HR07-3 was updated accordingly.

However, current policy also allows for case-by-case exceptions as needed, calling into question whether a blanket approval for the IT and R&D Departments is really needed. When the State Court Administrator learned the IT/R&D Departments had a blanket exception for all new hires, he expressed concern with the practice and requested that the HRPRC consider a policy amendment discontinuing that practice. The HRPRC quickly reviewed and concurred. We believe this results in greater consistency and fairness across all departments and districts.

Link to redlined policy: [HR07-3](#)

#### 5. HR08-3 Exercise Release

The State Court Administrator recently expressed support for expanding Exercise Release Time into Wellness Release Time, allowing for activities that promote mental health as well as physical health. For this reason, the HRPRC recommends amendments to HR08-3.

Some examples of wellness activities that might not currently be approved under Exercise Release but would more likely be approved under Wellness Release include meditation, yoga, quiet reading, listening to calming music with headphones, etc.

Link to redlined policy: [HR08-3](#)

### Section 11 - Discipline

#### **HR11-1 Disciplinary Action.**

1. Management may discipline any employee for any of the following causes or reasons:

a. Non-compliance with these policies or other local/applicable policies, including but not limited to the laws of the State of Utah or the United States (other than minor traffic offenses), safety policies

- and procedures, professional standards, ethical violations, etc.;
- b. Work performance that is inefficient or incompetent;
  - c. Failure to maintain skills and adequate performance levels;
  - d. Insubordination or disloyalty to the orders of a supervisor or member of management;
  - e. Misfeasance, malfeasance, or nonfeasance;
  - f. Any incident involving intimidation, physical harm, or threats of physical harm against co-workers, management, or the public;
  - g. No longer meeting the requirements of the position;
  - h. Conduct, on or off duty, which creates a conflict of interest with the employee's public responsibilities or impacts the employee's ability to perform job assignments;
  - i. Failure to advance the mission of the judicial branch or the good of public service, including conduct on or off duty which demeans or harms the effectiveness or ability of the judicial branch to fulfill its mission;
  - j. Dishonesty; or
  - k. Misconduct, which may include but is not limited to:
    - i. Violation of the Employee Code of Ethics and Conduct as described in [HR09](#)
    - ii. Violation of the rules of procedure or the Code of Judicial Administration
    - iii. Conduct which endangers the peace and safety of others or poses a threat to the public interest
    - iv. Unjustified interference with the work of other court employees
    - v. Unauthorized absence
    - vi. Falsification or unauthorized alteration of records;
    - vii. Violation of court policies
    - viii. Falsification of employment application
    - ix. Unlawful discrimination in hiring, assignment, or promotion
    - x. Workplace Harassment in accordance with [HR15](#)
    - xi. Derisive or demeaning behavior
    - xii. Use of alcohol or drugs (other than medication as prescribed by a health care provider) that negatively affect job performance.

59 2. Management shall consult with HR before disciplining  
60 an employee.

61  
62  
63 3. All disciplinary actions of career service employees  
64 shall be governed by principles of due process. Management  
65 is strongly encouraged to follow similar procedures for at-  
66 will employees in consultation with the HR Department. The  
67 disciplinary process for career service employees shall  
68 include all of the following, except as provided in HR11-  
69 1(5):

70 a. The employee is notified in writing of the  
71 proposed discipline, the reasons supporting the  
72 intended action, and the right to reply to management  
73 or to the HR department within five working days.

74 b. The employee's reply shall be received by  
75 management or by HR within five working days in order  
76 for management to consider the reply before discipline  
77 is imposed.

78 c. If an employee waives the right to reply or does  
79 not reply within the time frame established by  
80 management or within five working days, whichever is  
81 longer, discipline may be imposed in accordance with  
82 these policies.

83  
84  
85 4. After a career service employee has been informed of  
86 the reasons for the proposed discipline and has been given  
87 an opportunity to respond and be responded to, management  
88 may discipline that employee, or any at-will employee not  
89 subject to the same procedural rights, by imposing one or  
90 more of the following forms of disciplinary action:

91 a. Letter of Reprimand;

92 b. Suspension without pay up to 30 calendar days per  
93 incident requiring discipline;

94 c. Demotion as defined by HR01(31), reducing the  
95 employee's current actual wage, as determined by the  
96 court level administrator in consultation with the HR  
97 Director;

98 d. Dismissal in accordance with HR11-2.

99  
100  
101 5. If management determines that an employee endangers or  
102 threatens the peace and safety of others or poses a grave  
103 threat to the public service or is charged with aggravated  
104 or repeated misconduct, management may impose the following



actions pending an investigation and determination of facts:

- a. Paid administrative leave; or
- b. Temporary reassignment to another position or work location at the same current actual wage.

6. When disciplinary action is imposed, the employee shall be notified in writing of the discipline, the reasons for the discipline, the effective date, and the length (if applicable) of the discipline.

7. Imposed disciplinary actions are subject to grievance and appeals procedure for career service employees, as outlined in [HR17](#). The employee and management may agree in writing to waive or extend any grievance step, or the time limits specified for any grievance step.

#### HR03-5. Position Classification Grievances.

1. ~~Under UCJA 3-402(6), an~~ An employee may grieve formal position classification decisions ~~regarding the classification of a position made by a member of the Human Resources Department to the grievance review panel~~Director of Human Resources, regardless of the employee's career service status.

a. This policy refers to grievances concerning the assignment of individual positions to appropriate jobs based on duties and responsibilities. The assignment of salary ranges is not included in this policy.

b. An employee may only grieve a formal classification decision regarding the employee's own position.

c. An aggrieved employee must submit a position classification grievance in writing to the Director of Human Resources no later than fifteen business days from the date the employee received a written position classification decision.

d. The Director of Human Resources shall issue a written review of the position classification decision being grieved no later than 30 calendar days from the date the grievance is submitted in writing.

i. The Director's written review shall include reasoning to uphold or overturn the position classification decision being grieved; or shall direct a member of

151 the Human Resources Department to conduct a new  
152 position classification review.

153 ii. The Director's written review shall be sent directly  
154 to the employee grieving the classification decision  
155 and any other member of the Human Resources Department  
156 as applicable.

157 2. If an employee is dissatisfied with the Director's  
158 written review, the employee may request a final review  
159 from the State Court Administrator.

160 a. The employee must submit a written request for final  
161 review to the State Court Administrator within fifteen  
162 business days from the date the employee received the  
163 Director's written review.

164 b. The State Court Administrator or designee shall  
165 issue a final decision to uphold or overturn the position  
166 classification decision in writing no later than 60  
167 calendar days from the date the employee submits the  
168 written request for final review.

169  
170  
171 1. ~~Formal service for classification grievance~~  
172 ~~communication to employees shall be made by:~~

173 ~~a. certified mail to the employee's address of record,~~  
174 ~~and~~

175 ~~b. email to the employee's state email account.~~

176 **HR17-1. Eligibility and Procedural Requirements.**  
177

178 1. Only judicial branch career service employees ~~or any~~  
179 ~~employee reporting or alleging retaliatory action as~~  
180 ~~defined by HR15-2~~ may use these grievance procedures.

181 ~~a. Pursuant to HR11-2(1), the Grievance Review Panel has~~  
182 ~~no authority to review grievances filed by at-will~~  
183 ~~employees.~~

184 2. Employees may only grieve matters identified under  
185 UCJA Rule 3-402(6) to the Grievance Review Panel, ~~which~~  
186 ~~includes:~~

187 ~~i. a dismissal;~~

188 ~~i. a demotion;~~

189 ~~i. a suspension;~~

190 ~~i. a reduction in force;~~

191 ~~i. a dispute concerning abandonment of position;~~

192 ~~i. a wage grievance if an employee is not placed within~~  
193 ~~the salary range of the employee's current~~  
194 ~~position;~~

195 ~~i. a position classification decision;~~

196 ~~i. equitable administration of insurance, retirement,~~  
197 ~~or leave benefits;~~

- ~~i. violations of human resources policies by management regarding matters outlined in HR17-1(a). employee promotions, dismissals, demotions, wages, salary, violations of human resources policies, benefits, reductions in force and disciplinary actions.~~
3. All other matters may be grieved up to Level 3, as identified in [HR17-5](#).
4. Where a question or dispute exists regarding whether an employee qualifies to use these grievance procedures, such controversies must be resolved through an application to the Human Resources Director. In consultation with [the Office of](#) General Counsel, the Human Resources Director shall make the final decision on employee eligibility to use these procedures.
5. Class action grievances are not admissible for consideration by the Grievance Review Panel under these grievance procedures.
6. A group grievance is admissible, provided that each aggrieved employee signs the grievance.
7. An aggrieved employee shall submit a grievance in writing to the party identified in [HR17-5](#) and shall include the problem or complaint, a description of the direct harm, and the requested remedy or relief.
8. The employee shall include all relevant evidence and affidavits, to the best of the employee's knowledge, to allow management at the applicable grievance levels to make an informed decision. This information should include but is not limited to:
- a. Admitted and disputed allegations;
  - b. Any witnesses;
  - c. Documented evidence, exhibits, etc.
9. Intentional withholding of relevant information may be grounds for dismissal of the grievance.

### **Rule 3-402. Human resources administration.**

#### **Intent:**

To establish guidelines for the administration of a human resources system for the judiciary.

#### **Applicability:**

This rule ~~shall apply~~[applies](#) to all non-judicial officer employees in the judicial branch.

**Statement of the Rule:**

(1) Department of Human Resources. A department of human resources is established within the Administrative Office to guide the human resources activities of the judiciary.

(2) Services. The department of human resources ~~shall~~will provide the necessary human resources services to the judiciary in compliance with the state constitution, state statute, and this Code. The department of human resources ~~shall~~will provide all state employees in the judicial branch information regarding benefits, compensation, retirement, and other human resources related matters.

(3) Human resources policies.

(3)(A) Policies generally. Human resources policies, including a ~~Code of Ethics~~code of ethics for non-judicial officer employees, will be adopted by the Council in accordance with the rulemaking provisions of this Code.

(3)(B) Non-judicial officer employees. The human resources policies for non-judicial officer employees:

(3)(B)(i) ~~shall~~will include classification of career service exempt (at-will) and non-exempt jobs, designation of FLSA exempt and non-exempt jobs, guidelines governing recruitment, selection, classification, compensation, working conditions, grievances and other areas deemed necessary; and

(3)(B)(ii) ~~shall~~will be based upon the following merit principles:

(3)(B)(ii)(a) the recruitment, selection and promotion of employees based upon relative ability, knowledge and skills, including open consideration of qualified applicants for initial appointment;

(3)(B)(ii)(b) a salary schedule which provides for equitable and adequate compensation based upon current job market data gathered at least every three years including salary levels of comparable positions in both the public and private sector, local labor market information and trends, other relevant data, and available funds;

(3)(B)(iii)(c) employee retention on the basis of performance that enhances and/or advances the mission of the judiciary—where appropriate, provision will be made for correcting performance and separating employees whose performance or misconduct interferes with or fails to advance the mission of the judiciary;

(3)(B)(iv)(d) fair treatment in all aspects of human resources administration without regard to sex, gender, age, ancestry, national origin, race, color, religious creed, mental or physical disability or medical condition, sexual orientation, gender identity or expression, marital status, military or veteran status, genetic information, or any other category protected by federal, state or applicable local law; and

(3)(B)(iv)(e) notification to employees and an explanation of their political rights and prohibited employment practices.

(4) Human resources director – court level administrators. ~~The state c~~Court level administrator~~s~~ ~~shall~~will be responsible for the day-to-day administration of the human resources system within that court level. A director of human resources, appointed by the ~~s~~State cCourt

287 aAdministrator, ~~shall~~will be responsible for effective governance of the human resources  
288 department and will assist the state court level administrators, court executives, and other  
289 managers with human resources related matters.

290 (5) Human Resources Policy Review Committee. ~~Human resources policies, including a~~  
291 ~~Code of Ethics for non-judicial officer employees, shall be adopted by the Council in accordance~~  
292 ~~with the rulemaking provisions of this Code.~~

293 (5)(A) Duties. There is established a Human Resources Policy Review Committee  
294 responsible for making and reviewing proposals for human resources policy  
295 amendments. The committee ~~shall~~will review human resource policies at least every  
296 three years.

297 (5)(B) Members. The committee ~~shall~~will consist of the following voting members,  
298 which, where indicated, must be selected by majority vote of the entire body of the  
299 specified group:

300 (5)(~~BA~~)(i) the director of human resources;

301 (5)(~~BA~~)(ii) two trial court executives, selected by the trial court executives;

302 (5)(~~BA~~)(iii) three clerks of court (one juvenile, one district, and one appellate),  
303 selected by the clerks of court;

304 (5)(~~BA~~)(iv) a chief probation officer from the juvenile court, selected by the chief  
305 probation officers; and

306 (5)(~~BA~~)(v) a case manager, selected by the clerks of court.

307 (5)(~~CB~~) Chair. The chair of the committee ~~shall~~will be designated by the state court  
308 administrator. ~~Other members of the committee shall be appointed in a manner~~  
309 ~~consistent with Rule 1-205.~~

310 (5)(D) Support. The department of human resources ~~shall~~will provide necessary  
311 support to the committee. ~~Other non-voting members may be assigned by the Policy and~~  
312 ~~Planning Committee, as necessary to assist the committee. Other non-voting members~~  
313 ~~may be assigned by the Policy and Planning Committee, as necessary to assist the~~  
314 ~~committee.~~

315 (5)(~~EG~~) Policy amendment process. Pursuant to Rule 1-204, new and amended  
316 policies, or repeals, recommended by the committee ~~shall~~will be reviewed by the Policy,  
317 ~~Planning, and Technology and Planning~~ Committee prior to being submitted ~~by the~~  
318 ~~Policy and Planning Committee~~ to the ~~Judicial~~ Judicial Council.

319 (6) Grievance review panel.

320 (6)(A) Quasi-judicial body. A grievance review panel is established within the grievance  
321 process outlined in the judiciary's human resources policies to sit as a quasi-judicial  
322 body and review adverse employment actions taken under the authority of in  
323 accordance with the judiciary's human resources policies.

324 (6)(B) Career service employees. ~~and which pertains to Only career service~~  
325 employees may submit a grievance to the Grievance Review Panel, after following the  
326 procedures outlined in human resources policies.

327 (6)(C) Management. The Grievance Review Panel may not review a matter that  
328 management has not had an opportunity to address.

329 (6)(D) Authority. The Grievance Review Panel has the authority to review management  
330 decisions regarding the following adverse employment actions:

331 ~~employee promotions;~~

332 (6)(D)(i) dismissals;

333 (6)(D)(ii) demotions;

334 (6)(D)(iii) suspensions;

335 (6)(D)(iv) reductions in force;

336 (6)(D)(v) disputes concerning abandonment of position;

337 (6)(D)(vi) wages/salary grievances if an employee is not placed within the salary  
338 range of the employee's current position; and

339 violations of human resources policies; and

340 (6)(D)(vii) the equitable administration of insurance, retirement, or leave benefits.

341 (7) Files. An official human resources file for each employee ~~shall~~ will be maintained in the  
342 Administrative Office and ~~shall~~ will include the following records:

343 (7)(A) biographical information;

344 (7)(B) records of official human resources action;

345 (7)(C) standards of performance expectations;

346 (7)(D) corrective actions;

347 (7)(E) records of official disciplinary action and supporting documentation;

348 (7)(F) job applications; and

349 (7)(G) payroll and benefits information.

350 *Effective: ~~11/1/2020~~ 11/1/2020 July 1, 2025*

## 356 **HR17-5. Grievance Levels and Timelines.**

357  
358 1. For purposes of this chapter, the counting of business  
359 days for timelines shall begin on the first day following  
360 receipt of the applicable grievance, complaint, or response  
361 that is not a Saturday, Sunday, or a holiday under HR07-2.  
362

2. An employee wishing to advance a formal grievance shall do so within ten (10) days after the event giving rise to the grievance or within ten (10) days after the employee knows, or with exercise or reasonable diligence should have known, of the event giving rise to the grievance.

3. If an employee is dissatisfied with a response at any of the grievance levels outlined below, the employee may advance the grievance to the next level within ten (10) business days.

4. Grievances alleging retaliatory action and requests to review the findings of an abusive conduct investigation are not subject to levels 1-3 outlined below and may be filed directly to the Grievance Review Panel or the Judicial Council.

5. At each level, the employee shall provide the Human Resources HR Department a copy of all grievance documents advanced to management. The employee shall advance the grievance in accordance with the following levels of increasing accountability:

**Level 1**

a. A written grievance shall be submitted to the employee's immediate supervisor.

b. Once submitted, the written grievance is a formal complaint requiring a response.

~~c. If desired, the employee may also request mediation in accordance with HR17-8 in conjunction with Level 1.~~

c. If a supervisor is the subject of a grievance or complaint, the employee may proceed directly to Level 2.

**Level 2**

d. If the grievance is not resolved at Level 1 within five (5) business days, an employee may ~~request mediation in accordance with HR17-8 or~~ advance a grievance to the direct supervisor's manager.

e. If that manager is the subject of a grievance or complaint, the employee may proceed directly to Level 3.

**Level 3**

f. If a grievance is not resolved at Level 2 within ten (10) business days, the employee may ~~request mediation in~~



~~accordance with HR17-8 or~~ advance the grievance to the Court Executive or Court Level Administrator at Level 3.  
g. If that manager is the subject of a grievance or complaint, the employee may proceed directly to Level 4.

#### **Level 4**

h. If a grievance is not resolved at Level 3 within fifteen (15) business days, the employee may ~~request mediation in accordance with HR17-8 or~~ advance the grievance to the Grievance Review Panel at Level 4, by submitting the request for Level 4 review to the Director of Human Resources or designee the HR Manager.

6. The purpose in specifying these four levels is to curtail employees from having to submit their grievances to persons not specified in the above steps or levels. Only the above-listed persons (or their designated representatives) in management are authorized to respond to a career service employee's grievance.

#### **~~HR17-8. Mediation.~~**

- ~~1. An employee may choose to request mediation in place of a formal management response at any level of the formal grievance process.~~
- ~~2. If mediation is requested, management and/or HR will attempt to arrange for a neutral party mediator that is mutually acceptable to both the aggrieved employee(s) and management.~~
- ~~3. Timeframes to give notice of a scheduled mediation meeting shall be equal to the timeframe given at each grievance level allowing management to resolve the grievance.~~
- ~~4. If the aggrieved employee is not satisfied with the proposed mediator, the outcome of mediation or does not receive timely scheduling of a mediation meeting, the employee may advance the grievance to the next level identified in HR17-5.~~

#### **HR07-3. Annual Leave.**



1. An eligible employee shall accrue leave based on the following years of benefit(s)-eligible state service:
- a. Less than 5 years: four hours per pay period;
  - b. At least 5 and less than 10 years: five hours per pay period;
  - c. At least 10 and less than 20 years: six hours per pay period;
  - d. 20 years or more: seven hours per pay period.
2. The maximum annual leave accrual rate shall be granted to an employee, effective from the day the employee is appointed through the duration of the appointment under the following conditions:
- a. An employee in a court executive, court level administrator, or director level position; or
  - b. An employee who is FLSA exempt and who has a direct reporting relationship to the deputy state court administrator or state court administrator.
  - ~~c. The employee is a newly hired, FLSA exempt, and at will employee of the IT or Judicial Data and Research departments and has been granted maximum annual leave accrual by the IT or Judicial Data and Research director.~~
3. The accrual rate for an employee rehired to a position that receives leave benefits shall be based on all eligible employment in which the employee accrued leave.
4. For purposes of compliance with UCA §63G-1-301(1)(d), the first eight hours of annual leave used by an employee in the calendar leave year for any reason are considered to be the employee's "personal preference day".
5. Management shall allow every employee the option to use annual leave each calendar year for at least the amount accrued in the year.
6. Unused accrued annual leave in excess of 320 hours shall be forfeited during year end payroll processing for each calendar year and added to the judicial branch's general leave bank.

499  
500  
501 7. Upon termination of employment, all unused annual  
502 leave hours shall be paid in a lump sum on the employee's  
503 final paycheck.  
504

505  
506 8. Upon retirement, unused annual leave may either be  
507 paid in a lump sum on the employee's final paycheck, or the  
508 employee may elect to convert unused annual leave into a  
509 401(k) or 457 account supported by URS and consistent with  
510 UCA §63A-17-504  
511

## 512 513 **HR17-9. Grievance Review Panel.**

### 514 515 **Panel Membership**

516  
517  
518 1. A grievance review panel is established consistent  
519 with UCJA 3-402(6).

520 a. The panel membership includes Court Level  
521 Administrators of Juvenile, District, and Appellate  
522 Courts, ~~and~~ the Assistant Court Administrator, and may  
523 include another Director in the Administrative Office as  
524 needed.

525 b. The number of panelists reviewing a grievance shall be  
526 an odd number of at least three but no more than five  
527 members.

528 c. The number of panel members and their selection to  
529 review a specific grievance shall be determined by the HR  
530 Director or designee, who may consult with the State  
531 Court Administrator, Deputy State Court Administrator, or  
532 General Counsel to finalize the composition of the  
533 panel.

534 ~~a.~~

535 2. In consultation with the State Court Administrator or  
536 General Counsel, if a member of the panel is unable or  
537 unavailable to participate in a grievance review, or is the  
538 subject of the grievance brought to the panel, or holds a  
539 potential conflict of interest by participating in the  
540 grievance review, a designee may be appointed by the HR  
541 Director or ~~HR-Manager~~designee.  
542

### 543 **Panel Procedures**

544

3. The HR Department shall notify panel membership established in [HR17-9\(1\)](#) of the request for a Level 4 review within five (5) business days of receipt of the request.
4. The grievance review panel shall have 15 business days to establish a grievance review meeting date with grievant.
- a. The grievance review meeting date shall be set no later than 30 calendar days after the panel receives the request for a Level 4 review unless mutually agreed upon by grievant and the panel.
  - b. A representative assistant may be appointed by the panel to coordinate and communicate logistics such as date, time, meeting location, etc.
5. Grievant shall have an opportunity to present relevant facts and/or evidence to the panel during the grievance review meeting.
6. The panel shall consider the following items in its review of the employment action being grieved:
- a. The testimony of grievant, relevant evidence, witness statements, and so forth as described in [HR17-1\(5\)](#) and [HR17-1\(6\)](#).
  - b. Testimony, relevant evidence, witness statements and so forth provided by individuals with decision-making authority over grievant at the time the action being grieved was taken.
  - c. Relevant organization policies, including but not limited to the human resources policies in this manual.
7. The panel shall have 10 business days following the grievance review meeting to issue a written review of the employment action being grieved, and shall provide a copy to the HR Director, General Counsel, and State Court Administrator.
8. The panel's written review shall include the following:
- a. An analysis of all information presented to the panel during the grievance review process from grievant and

other relevant stakeholders such as grievant's line of management, including credibility analyses of testimony and evidence, if applicable.

b. An analysis of relevant human resources policies, including discretionary factors under HR11-3 for disciplinary actions, and the degree to which the panel believes the action being grieved complies with or does not comply with those policies.

c. The recommended course of action to remedy noncompliance, if the panel believes the action being grieved does not comply with relevant human resources policies.

9. The State Court Administrator (SCA) or designee shall have 10 business days to certify the panel's written review.

a. If the SCA or designee agrees with the panel's written review, the SCA or designee shall issue a written consent and send a copy of the review and consent to grievant, the grievance review panel, management, and to the HR Director.

b. If the SCA or designee disagrees with the panel's written review, the SCA or designee shall issue a written dissent to the grievance review panel and to the HR Director. In this event, the SCA or designee will issue a final written decision to grievant with a copy to management and the HR Director.

10. The certified consenting or dissenting decision of the SCA or designee is considered final.

### **HR08-3. Lunch, Break, Exercise-Wellness Release Periods.**

1. Management may require a minimum of 30 minutes non-compensated lunch period.

a. Lunch periods may not be used to shorten a work day.

b. This is not a universal requirement, but is at the discretion of local management and mindful of judicial branch business needs.

2. An employee may take a 15-minute, compensated break period for every four hours worked.

a. Break periods may not be utilized to shorten a work day or lengthen a lunch period.

3. Compensated ~~exercise-wellness~~ release time may be allowed at management discretion as set forth below.
- a. ~~WellnessExercise~~ release time is intended to promote physical and mental health and is not intended to provide extra time for other personal matters.
  - b. An employee working a typical full time schedule of five days per week may be granted up to three days compensated ~~wellnessexercise~~ time per week for 30 minutes.
  - c. An employee working a 4/10 work schedule, or a 4/9's and a 4 hour work schedule, or a part-time employee working more than 20 but less than 40 hours per week may be granted up to two days compensated ~~exercise-wellness~~ time per week for 30 minutes.
  - d. A part-time employee working up to 20 hours per week may be granted one day compensated ~~exercise wellness~~ time per week for 30 minutes.
  - e. ~~Exercise-Wellness~~ release time may be granted as follows, subject to supervisory approval, after considering individual employee circumstances and the needs of the judicial branch in maintaining operations:
    - i. In conjunction with a scheduled lunch hour, subject to supervisory approval;
    - ii. At the beginning of the workday, allowing a delayed arrival to work by up to 30 minutes;
    - iii. At the end of the workday, allowing early departure from work by up to 30 minutes.
  - f. A participating employee who has been authorized to work from home on one or more days of the week may receive supervisor approval to designate compensated ~~exercise-wellness~~ release time during work hours at home.
  - g. ~~WellnessExercise~~ release time is subject to the following limitations and/or expectations:
    - i. Supervisory pre-approval must be granted in writing, and should specify the time limits, performance standards, and any other applicable conditions upon which the release time is granted. Use of a written and negotiated agreement between employee and management is encouraged.
    - ii. Time is not cumulative or accrued. Unused ~~wellness exercise~~ release time shall not be carried over into a subsequent day or week.
    - iii. Time shall not result in accrual of excess hours.

- iv. Employees participating in this program do so at their own risk and are encouraged to consult with a health care provider to ensure their own capability to participate.
- v. The judicial branch is not responsible for any injury, illness, or other consequence suffered by the employee as a result of participating in this program.
- vi. ~~Exercise-Wellness~~ release time used in compliance with this policy shall be recorded as regular work hours in the employee timesheet.
- vii. Documentation of authorization for ~~exercise~~ wellness time may be maintained by management and shall be maintained in the official HR personnel file or documented in UPM.

4. As requested and after consultation with an employee, reasonable daily break periods shall be granted for the first year following the birth of a child to allow an employee to express breast milk for her child.

- a. A private location, other than a restroom, shall be provided.
- b. Appropriate temporary storage shall be provided for expressed milk.

Tab 8



## **Utah Court-Annexed Alternative Dispute Resolution (ADR) Program Annual Report FY2024**

### **History**

In 1994, the Utah State Legislature enacted the Utah Alternative Dispute Resolution Act which required the Judicial Council to implement a program utilizing Alternative Dispute Resolution (ADR) in the state courts. The program was implemented by Judicial Council and Supreme Court rules in January 1995.

### **ADR Programs**

<b>Child Welfare Mediation</b>	<b>Statewide</b> (Juvenile Court cases involving abuse or neglect)
<b>Divorce Mediation</b>	<b>Statewide</b> (U.C.A. §81-4-403)
<b>Co-Parenting Mediation</b>	<b>Third District</b> (U.C.A. §81-9-102)
<b>General Civil Referrals</b>	<b>Statewide</b> (Mediation or Arbitration) (UCJA 4-510.05)
<b>Restorative Justice</b>	<b>Statewide</b> (Juvenile Victim/Offender & Truancy Mediation)
<b>Probate Mediation</b>	<b>Statewide</b> (UCJA 6-506)
<b>Small Claims Mediation</b>	<b>Various Justice Courts</b>
<b>Judicial Settlement Conf.</b>	<b>As Arranged by District Court Judges</b>

### **ADR Programs Structure and Rationale**

The Utah Court-annexed ADR Programs are structured in various ways. In general, if the program is mandatory, we have more interest in quality assurance and require more training, oversight, and evaluation.

- For **General Civil and Probate case referrals** we administer a Court Roster of private mediators and arbitrators who have met specific education, experience and ethical requirements as outlined in UCJA 4-510.03 and who requalify annually. Parties select their own mediator in these cases.
- For **Mandatory Divorce Mediation** we administer a Divorce Roster of mediators who have received additional, specialized training and mentoring.
- For **Co-parenting Mediation** referrals, which are required by statute to be mediated within 15 days of filing, we screen cases, contact parties, and assign mediations to a closed roster of private providers with specialized experience and training in domestic cases.
- For **Child Welfare Mediation** cases, which are court-ordered by Juvenile Court judges, and subject to very tight statutory timelines, we provide court staff mediators who are hired and trained specifically for these cases.
- For **Juvenile Court Victim/Offender and Truancy** cases, we provide court staff mediators who are hired and trained specifically for these case types.
- **Small Claims Mediation** programs utilize trained volunteer mediators and are administered through collaborations with universities and nonprofit community mediation organizations.
- **Judicial Settlement Conferences** are arranged on a case by case basis by District Court judges working in teams



**ADR Program Statistics and Services –FY2024**

- 1,724 cases were referred to mediation programs that are directly administered by the Court's ADR Office. In addition, more than 4,516 cases were mediated and 148 arbitrated by court-rostered ADR providers, selected by parties.
- ADR staff mediators (5.5 FTE) were assigned 1,384 Child Welfare mediations statewide. Of those cases mediated, 89% were resolved. Since 1998, the Child Welfare Mediation Program has conducted over 24,000 mediations for the Utah State Juvenile Courts.
- Two Juvenile Justice Mediators were assigned 51 Victim/Offender mediations and 11 Truancy mediations statewide.
- 97 *pro bono* Divorce and Co-parenting mediations were arranged by ADR staff.
- More than 500 *pro bono* mediations were provided through ADR Program collaborations with nonprofit community mediation organizations and educational institutions.
- The Utah Court Roster lists 159 ADR Providers who reported mediating 4,516 cases and arbitrating 148 cases in FY24. A total of 569 *pro bono* mediations and 2 *pro bono* arbitrations were provided by members of the court roster.
- The Judicial Council's ADR Committee provided Judicial Settlement Conference Training to 32 District Court Judges in 2023 and 2024. There were 443 Judicial Settlement Conferences reported in FY24, an increase of 92% since FY22.
- The ADR Committee provides ethics outreach and education through the Utah Mediation Best Practice Guide. The Committee reviews and updates the Best Practice Guide based on input from outreach efforts, developments in the field of ADR and changes in communications technologies.
- The Committee is currently focused on drafting a new section of the Best Practice Guide which will focus on applications of Artificial Intelligence (AI) in the ADR profession.
- The ADR Committee continues its collaboration with the Utah Council on Conflict Resolution (UCCR) to provide more opportunities for newly trained mediators to observe experienced court-rostered mediators.
- ADR Office public outreach and education efforts are ongoing and provided through annual reports, seminar and conference presentations, and the ADR Program website.



## **Utah Judicial Council's ad hoc Committee on Alternative Dispute Resolution**

ADR Committee Membership as of April 8, 2025

**Judge Adam T. Mow, Chair,** Third District Court

**Judge Ryan M. Harris,** Utah Court of Appeals

**Judge Troy Little,** Fifth District Juvenile Court

**Commissioner Michelle C. Tack,** Third District Court

**Michele Mattsson,** Chief Appellate Mediator, Utah Court of Appeals

**Professor James Holbrook,** S.J. Quinney College of Law, University of Utah

**Professor LeeAnn Glade,** J. Reuben Clark Law School, Brigham Young University

**Carolynn Clark,** Professional Mediator and Mediation Instructor

**Michelle M. Oldroyd,** Utah State Bar, Director of Professional Education

**Stephen D. Kelson,** Attorney/Mediator

**Anne A. Cameron,** Attorney/Mediator

**Karrie Ketchum,** Utah Dispute Resolution, Executive Director

**Nini Rich,** staff, ADR Director, Administrative Office of the Courts

Tab 9



# Administrative Office of the Courts

Chief Justice Matthew B. Durrant  
Utah Supreme Court  
Chair, Utah Judicial Council

May 5, 2025

Ronald B. Gordon, Jr.  
State Court Administrator  
Neira Siaperas  
Deputy State Court Administrator

## MEMORANDUM

**TO: Management Committee, Judicial Council**

**FROM: Katy Burke, Statewide Treatment Court Coordinator**  
**Cris Seabury, Statewide Treatment Court Certification Coordinator**

**RE: Treatment Court Certification Update**

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According to UCJA [Rule 4-409](#) Council Approval of Problem-Solving Courts, each problem-solving court (treatment court) must be considered for certification by the Judicial Council every two years.

The Statewide Treatment Court Coordinators reviewed past certification records and found two treatment courts that completed the certification checklist and were observed by the Statewide Treatment Court Coordinator (STCC), but were not presented to the Judicial Council for certification. This error was due to an oversight made by the STCC. At the time of review, both treatment courts were in compliance with certification standards. The certification checklists for the following treatment courts are included in the Management Committee's meeting packet for review.

The STCCs have discussed options for addressing the 2024 certifications with their supervisor and submit the following treatment courts to the Management Committee for recertification. Treatment court certifications are usually approved by the full Council. This certification request can be placed on the next Council meeting consent calendar or presented to the full Council if the Management Committee believes that is best.

- 6th District Adult Drug Court - Judge Bagley, February 13th 2024
- 6th District Adult Mental Health Court - Judge Larsen, April 30th, 2024

The STCCs are also seeking direction from the Council on how to address inactive treatment courts. Court rules do not address how to manage inactive courts and are silent on what is needed for inactive treatment courts to become operational. The following courts are currently inactive,

The mission of the Utah judiciary is to provide the people an open, fair,  
efficient, and independent system for the advancement of justice under the law.

primarily due to lack of participants, and have not participated in the certification process. They were listed as active on the old certification schedule and have since been removed.

- 2nd District Juvenile Drug Court - Judge Noland - 05/2024
- 3rd District Juvenile Drug Court - 04/2024
- 5th District Family Treatment Court - Judge Leavit -02/2023
- 6th District Juvenile Drug Court - Judge Keisel
- 7th District Family Dependency Court - Judge White - (Revising screening process)
- 8th District Adult Drug Court - Judge Lamb

With the Council's approval, the STCCs recommend treatment courts should notify the Judicial Council in writing if they wish to have a treatment court moved to inactive status. At the request of court leadership, the Coordinators may provide technical assistance and support in preparation for reactivation. When an inactive court wishes to resume operations, it must provide written notice to the Judicial Council at least 60 days in advance and complete the required certification process.

**UTAH JUDICIAL COUNCIL**  
**MENTAL HEALTH COURT CERTIFICATION CHECKLIST**  
 REVISED AND ADOPTED 2020

COURT LOCATION: Richfield Sixth District

NAME: Judge Mandy Larsen

REVIEW DATE: March 8, 2024

Many of the criteria enumerated in this certification checklist are restatements of the Adult Drug Court Best Practice Standards, Volume I and Volume II, published by the National Association of Drug Court Professionals (NADCP). Those are indicated by a citation in the **BPS** column following the standard. An asterisk indicates a modification of the NADCP standard.

YES	NO	#	REQUIRED CERTIFICATION CRITERIA <i>Adherence to these standards is required for certification.</i>	BPS
<input checked="" type="checkbox"/>	<input type="checkbox"/>	1	Eligibility and exclusion criteria are defined and applied objectively.	I.A.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	2	Eligibility and exclusion criteria are specified in writing.	I.A.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	3	The program admits only participants who are high-risk high-need as measured by the RANT or some other approved and validated assessment tool.	I.B.*
<input checked="" type="checkbox"/>	<input type="checkbox"/>	4	Candidates for the Mental health Court are assessed for eligibility using validated risk-assessment tool that has been demonstrated empirically to predict criminal recidivism or failure on community supervision and is equivalently predictive for women and racial or ethnic minority groups that are represented in the local arrestee population.	I.C.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	5	Candidates for the Mental health Court are assessed for eligibility using validated clinical-assessment tool that evaluates the formal diagnostic symptoms of substance dependence or addiction.	I.C.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	6	Evaluators are trained and proficient in the administration of the assessment tools and interpretation of the results.	I.C.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	7	Current or prior offenses may not disqualify candidates from participation in the Mental health Court unless empirical evidence demonstrates offenders with such records cannot be managed safely or effectively in a Mental health Court.	I.D.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	8	Offenders charged with non-drug charges, drug dealing or those with violence histories are not excluded automatically from participation in the Mental health Court.	I.D.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	9	If adequate treatment is available, candidates are not disqualified from participation in the Mental health Court because of co-occurring mental health or medical conditions or because they have been legally prescribed psychotropic or addiction medication.	I.E.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	10	The program has a written policy addressing medically assisted treatment.	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	11	Participants ordinarily appear before the same judge throughout their enrollment in the Mental health Court.	III.C.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	12	The judge regularly attends pre-court staff meetings during which each participant's progress is reviewed and potential consequences for performance are discussed by the Mental health Court team.	III.D.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	13	Participants appear before the judge for status hearings no less frequently than every two weeks during the first phase of the program. In rural areas, some allowance may be made for	III.E.



YES NO

#	REQUIRED CERTIFICATION CRITERIA <i>Adherence to these standards is required for certification.</i>	BPS
	other appearances or administrative reviews when the judge is unavailable.	
<input checked="" type="checkbox"/> <input type="checkbox"/>	14 Status hearings are scheduled no less frequently than every four weeks until participants graduate. In rural areas, some allowance may be made for other appearances or administrative reviews when the judge is unavailable.	III.E.*
<input checked="" type="checkbox"/> <input type="checkbox"/>	15 The judge allows participants a reasonable opportunity to explain their perspectives concerning factual controversies and the imposition of sanctions, incentives, and therapeutic adjustments.	III.G.
<input checked="" type="checkbox"/> <input type="checkbox"/>	16 If a participant has difficulty expressing him or herself because of such factors as a language barrier, nervousness, or cognitive limitation, the judge permits the participant's attorney or legal representative to assist in providing such explanations.	IV.B.
<input checked="" type="checkbox"/> <input type="checkbox"/>	17 The judge is the ultimate arbiter of factual controversies and makes the final decision concerning the imposition of incentives or sanctions that affect a participant's legal status or liberty.	III.H. VIII.D.
<input checked="" type="checkbox"/> <input type="checkbox"/>	18 The judge makes these decisions after taking into consideration the input of other Mental health Court team members and discussing the matter in court with the participant or the participant's legal representative.	III.H. VIII.D.
<input checked="" type="checkbox"/> <input type="checkbox"/>	19 The judge relies on the expert input of duly trained treatment professionals when imposing treatment-related conditions.	III.H.
<input checked="" type="checkbox"/> <input type="checkbox"/>	20 Policies and procedures concerning the administration of incentives, sanctions, and therapeutic adjustments are specified in writing and communicated in advance to Mental health Court participants and team members.	IV.A.
<input checked="" type="checkbox"/> <input type="checkbox"/>	21 The policies and procedures provide a clear indication of which behaviors may elicit an incentive, sanction, or therapeutic adjustment; the range of consequences that may be imposed for those behaviors; the criteria for phase advancement, graduation, and termination from the program; and the legal and collateral consequences that may ensue from graduation and termination.	IV.A.
<input checked="" type="checkbox"/> <input type="checkbox"/>	22 The Mental health Court has a range of sanctions of varying magnitudes that may be administered in response to infractions in the program.	IV.E.
<input checked="" type="checkbox"/> <input type="checkbox"/>	23 For goals that are difficult for participants to accomplish, such as abstaining from substance use or obtaining employment, the sanctions increase progressively in magnitude over successive infractions. For goals that are relatively easy for participants to accomplish, such as being truthful or attending counseling sessions, higher magnitude sanctions may be administered after only a few infractions.	IV.E.
<input checked="" type="checkbox"/> <input type="checkbox"/>	24 Consequences are imposed for the non-medically indicated use of intoxicating or addictive substances, including but not limited to alcohol, cannabis (marijuana) and prescription medications, regardless of the licit or illicit status of the substance.	IV.F.
<input checked="" type="checkbox"/> <input type="checkbox"/>	25 Drug testing is performed at least twice per week.	VII.A.*
<input checked="" type="checkbox"/> <input type="checkbox"/>	26 Drug testing is random, and is available on weekends and holidays.	VII.B.*
<input checked="" type="checkbox"/> <input type="checkbox"/>	27 Collection of test specimens is witnessed and specimens are examined routinely for evidence of dilution, tampering and adulteration.	VII.E.* VII.F.*
<input checked="" type="checkbox"/> <input type="checkbox"/>	28 Drug testing utilized by the Mental health Court uses scientifically valid and reliable testing procedures and establishes a chain of custody for each specimen.	VII.G.
<input checked="" type="checkbox"/> <input type="checkbox"/>	29 Metabolite levels falling below industry- or manufacturer-recommended cutoff scores are not interpreted as evidence of new substance use or changes in substance use patterns, unless	VII.G.*



YES NO

#	REQUIRED CERTIFICATION CRITERIA <i>Adherence to these standards is required for certification.</i>	BPS
	such conclusions are reached by an expert trained in toxicology, pharmacology or a related field.	
<input checked="" type="checkbox"/> <input type="checkbox"/>	30 Upon entering the Mental health Court, participants receive a clear and comprehensive explanation of their rights and responsibilities relating to drug and alcohol testing.	VII.I.
<input checked="" type="checkbox"/> <input type="checkbox"/>	31 The program requires a period of at least 90 consecutive days drug-free to graduate.	
<input checked="" type="checkbox"/> <input type="checkbox"/>	32 The minimum length of the program is twelve months.	
<input checked="" type="checkbox"/> <input type="checkbox"/>	33 Unless a participant poses an immediate risk to public safety, jail sanctions are administered after less severe consequences have been ineffective at deterring infractions.	IV.J.
<input checked="" type="checkbox"/> <input type="checkbox"/>	34 Jail sanctions are definite in duration and typically last no more than three to five days.	IV.J.
<input checked="" type="checkbox"/> <input type="checkbox"/>	35 Participants are given access to counsel and a fair hearing if a jail sanction might be imposed.	IV.J.
<input checked="" type="checkbox"/> <input type="checkbox"/>	36 Participants are not terminated from the Mental health Court for continued substance use if they are otherwise compliant with their treatment and supervision conditions, unless they are non-amenable to the treatments that are reasonably available in their community.	IV.K.
<input checked="" type="checkbox"/> <input type="checkbox"/>	37 If a participant is terminated from the Mental health Court because adequate treatment is not available, the participant does not receive an augmented sentence or disposition for failing to complete the program.	IV.K.
<input checked="" type="checkbox"/> <input type="checkbox"/>	38 Participants are not incarcerated to achieve clinical or social service objectives such as obtaining access to detoxification services or sober living quarters.	V.B.
<input checked="" type="checkbox"/> <input type="checkbox"/>	39 Treatment providers are licensed or certified to deliver substance abuse treatment, as required by the Department of Human Services or other relevant licensure or certification entity.	V.H.*
<input checked="" type="checkbox"/> <input type="checkbox"/>	40 Participants regularly attend self-help or peer support groups in addition to professional counseling.	V.I.
<input checked="" type="checkbox"/> <input type="checkbox"/>	41 The peer support groups follow a structured model or curriculum such as the 12-step or Smart Recovery models.	V.I.
<input checked="" type="checkbox"/> <input type="checkbox"/>	42 There is a secular alternative to 12-step peer support groups.	
<input checked="" type="checkbox"/> <input type="checkbox"/>	43 Participants complete a final phase of the Mental health Court focusing on relapse prevention and continuing care.	V.J.
<input checked="" type="checkbox"/> <input type="checkbox"/>	44 Participants are not excluded from participation in Mental health Court because they lack a stable place of residence.	VI.D.
<input checked="" type="checkbox"/> <input type="checkbox"/>	45 Participants diagnosed with mental illness receive appropriate mental health services beginning in the first phase of Mental health Court and continuing as needed throughout their enrollment in the program.	VI.E.*
<input checked="" type="checkbox"/> <input type="checkbox"/>	46 Participants are not required to participate in job seeking or vocational skills development in the early phases of mental health court.	VI.I.*
<input checked="" type="checkbox"/> <input type="checkbox"/>	47 At a minimum, the prosecutor / assistant attorney general, defense counsel, treatment representative, law enforcement, a guardian ad litem (in dependency courts), and the judge attend each staffing meeting.	VIII.B.*
<input checked="" type="checkbox"/> <input type="checkbox"/>	48 At a minimum, the prosecutor / assistant attorney general, defense counsel, treatment representative, law enforcement, a guardian ad litem (in dependency courts), and the judge attend each Mental health Court session.	VIII.A.*



YES NO

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#	REQUIRED CERTIFICATION CRITERIA <i>Adherence to these standards is required for certification.</i>	BPS
49	Pre-court staff meetings are presumptively closed to participants and the public unless the court has good reason for a participant to attend discussions related to that participant's case.	VIII.B.
50	Participants provide voluntary and informed consent permitting team members to share specified data elements relating to participants' progress in treatment and compliance with program requirements.	VIII.C.
51	Court fees are disclosed to each participant, are reasonable, and are based on each participant's ability to pay. Any fees assessed by the Mental health Court must be reasonably related to the costs of testing or other services.	
52	Treatment fees are based on a sliding fee schedule and are disclosed to each participant.	
53	The Mental health Court develops a remedial action plan and timetable to implement recommendations from the evaluator to improve the program's adherence to best practices.	X.D.*
54	The Mental health Court has written policies and procedures that ensure confidentiality and security of participant information, which conform to all applicable state and federal laws, including, but not limited to, Utah's Governmental Records Access and Management Act (GRAMA), the Health Insurance Portability and Accountability Act of 1996 (HIPAA), and 42 C.F.R. 2 (Confidentiality of Substance Abuse Disorder Patient Records).	VIII.C.*

YES NO

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#	PRESUMED CERTIFICATION CRITERIA <i>There is a presumption that these standards must be met. If your program can show sufficient compensating measures, compliance with the standard may be waived.</i>	BPS
1	Eligibility and exclusion criteria are communicated to potential referral sources.	I.A.
2	The Mental health Court regularly monitors the delivery of incentives and sanctions to ensure they are administered equivalently to all participants.	II.D.
3	Each member of the Mental health Court team attends up-to-date training events on recognizing implicit cultural biases and correcting disparate impacts for members of historically disadvantaged groups.	II.F.
4	The Mental health Court judge attends current training events on legal and constitutional issues in Mental health Courts, judicial ethics, evidence-based substance abuse and mental health treatment, behavior modification, and community supervision.	III.A.
5	The judge presides over the Mental health Court for no less than two consecutive years.	III.B.
6	The Judge spends an average of at least three minutes with each participant.	III.F.*
7	The Mental health Court team relies on expert medical input to determine whether a prescription for an addictive or intoxicating medication is medically indicated and whether non-addictive, non-intoxicating, and medically safe alternative treatments are available.	IV.F.
8	Phase promotion is predicated on the achievement of realistic and defined behavioral objectives, such as completing a treatment regimen or remaining drug-abstinent for a specified period of time.	IV.I.
9	Treatment is reduced only if it is determined clinically that a reduction in treatment is unlikely to precipitate a relapse to substance use.	IV.I.
10	Testing regimens are not scheduled in seven-day or weekly blocks. The chances of being tested should be at least two in seven every day.	VII.B.*



YES NO

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#	<b>PRESUMED CERTIFICATION CRITERIA</b> <i>There is a presumption that these standards must be met. If your program can show sufficient compensating measures, compliance with the standard may be waived.</i>	BPS
11	Drug test results are available within 48 hours.	VII.H.
12	Participants are required to deliver a test specimen within 8 hours of being notified that a drug or alcohol test has been scheduled.	VII.B.
13	Randomly selected specimens are tested periodically for a broader range of substances to detect any new drugs of abuse that might be emerging in the Mental health Court population.	VII.D.
14	If a participant denies substance use in response to a positive screening test, a portion of the same specimen is subjected to confirmatory analysis using an instrumented test, such as gas chromatography/mass spectrometry (GC/MS).	VII.G.
15	Standardized patient placement criteria govern the level of care that is provided.	V.A.
16	Adjustments to the level of care are predicated on each participant's response to treatment and are not tied to the Mental health Court's programmatic phase structure.	V.A.
17	Participants receive a sufficient dosage and duration of substance abuse treatment to achieve long-term sobriety and recovery from addiction.	V.D.
18	Participants meet with a treatment provider or clinical case manager for at least one individual session per week during the first phase of the program.	V.E.
19	Participants are screened for their suitability for group interventions, and group membership is guided by evidence-based selection criteria including participants' gender, trauma histories and co-occurring psychiatric symptoms.	V.E.
20	Treatment providers administer behavioral or cognitive-behavioral treatments that are documented in manuals and have been demonstrated to improve outcomes for addicted persons involved in the criminal justice system.	V.F. VI.G
21	Treatment providers are proficient at delivering the interventions and are supervised regularly to ensure continuous fidelity to the treatment models.	V.F.
22	Treatment providers are supervised regularly to ensure continuous fidelity to evidence-based practices.	V.H.
23	Before participants enter the peer support groups, treatment providers use an evidence-based preparatory intervention, such as 12-step facilitation therapy.	V.I.
24	Participants prepare a continuing-care plan together with their counselor to ensure they continue to engage in pro-social activities and remain connected with a peer support group after their discharge from the Mental health Court.	V.J.
25	Where indicated, participants receive assistance finding safe, stable, and drug-free housing beginning in the first phase of Mental health Court and continuing as necessary throughout their enrollment in the program.	VI.D.
26	Participants are assessed using a validated instrument for trauma history, trauma-related symptoms, and posttraumatic stress disorder (PTSD).	VI.F.
27	All Mental health Court team members, including court personnel and other criminal justice professionals, receive formal training on delivering trauma-informed services.	VI.F.
28	Participants with deficient employment or academic histories receive vocational or educational services beginning in a late phase of Mental health Court.	VI.I.
29	Participants complete a brief evidence-based educational curriculum describing concrete measures they can take to prevent or reverse drug overdose.	VI.L.



YES NO

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PRESUMED CERTIFICATION CRITERIA			
#	<i>There is a presumption that these standards must be met. If your program can show sufficient compensating measures, compliance with the standard may be waived.</i>		BPS
30	Clients are placed in the program within 50 days of eligibility screening.		
31	Team members are assigned to Mental health Court for no less than two years.		
32	All team members use electronic communication to contemporaneously communicate about Mental health Court issues.		
33	Subsequently, team members attend continuing education workshops on at least an annual basis to gain up-to-date knowledge about best practices on topics including substance abuse and mental health treatment, complementary treatment and social services, behavior modification, community supervision, drug and alcohol testing, team decision making, and constitutional and legal issues in Mental health Courts.		VIII.F.
34	New staff hires receive a formal orientation training on the Mental health Court model and best practices in Mental health Courts as soon as practicable after assuming their position and attend annual continuing education workshops thereafter.		VIII.F.
35	The Mental health Court has more than 15 but less than 125 active participants.		IX.A.*
36	The Mental health Court monitors its adherence to best practice standards on at least an annual basis, develops a remedial action plan and timetable to rectify deficiencies, and examines the success of the remedial actions.		X.A.
37	New arrests, new convictions, and new incarcerations are monitored for at least three years following each participant's entry into the Mental health Court.		X.C.
38	A skilled and independent evaluator examines the Mental health Court's adherence to best practices and participant outcomes no less frequently than every five years.		X.D.
39	Staff members are required to record information concerning the provision of services and in-program outcomes within forty-eight hours of the respective events.		X.G.
40	The program conducts an exit interview for self-improvement.		

YES NO

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NON-CERTIFICATION-RELATED BEST PRACTICE STANDARDS			
#	<i>These are best practice standards that research has shown will produce better outcomes. Failure to meet these standards will not result in decertification.</i>		BPS
1	The Mental health Court offers a continuum of care for substance abuse treatment including detoxification, residential, sober living, day treatment, intensive outpatient and outpatient services.		V.A.
2	Treatment groups ordinarily have no more than twelve participants and at least two leaders or facilitators.		V.E.
3	Treatment providers have substantial experience working with criminal justice populations.		V.H.
4	For at least the first ninety days after discharge from the Mental health Court, treatment providers or clinical case managers attempt to contact previous participants periodically by telephone, mail, e-mail, or similar means to check on their progress, offer brief advice and encouragement, and provide referrals for additional treatment when indicated.		V.J.
5	Participants are assessed using a validated instrument for major mental health disorders that co-occur frequently in Mental health Courts, including major depression, bipolar disorder (manic depression), posttraumatic stress disorder (PTSD), and other major anxiety disorders.		VI.E.



YES NO

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#	<b>NON-CERTIFICATION-RELATED BEST PRACTICE STANDARDS</b> <i>These are best practice standards that research has shown will produce better outcomes. Failure to meet these standards will not result in decertification.</i>	BPS
6	Participants with PTSD or severe trauma-related symptoms are evaluated for their suitability for group interventions and are treated on an individual basis or in small groups when necessary to manage panic, dissociation, or severe anxiety.	VI.F.
7	Female participants receive trauma-related services in gender-specific groups.	VI.F.
8	Participants are required to have a stable job, be enrolled in a vocational or educational program, or be engaged in comparable pro-social activity as a condition of graduating from Mental health Court.	VI.I.
9	Participants receive immediate medical or dental treatment for conditions that are life-threatening, cause serious pain or discomfort, or may lead to long-term disability or impairment.	VI.J.
10	Before starting a Mental health Court, team members attend a formal pre-implementation training to learn from expert faculty about best practices in Mental health Courts and develop fair and effective policies and procedures for the program.	VIII.F.
11	Supervision caseloads do not exceed fifty active participants per supervision officer.	IX.B.
12	Caseloads for clinicians must permit sufficient opportunities to assess participant needs and deliver adequate and effective dosages of substance abuse treatment and indicated complementary services.	IX.C.
13	The Mental health Court continually monitors participant outcomes during enrollment in the program, including attendance at scheduled appointments, drug and alcohol test results, graduation rates, lengths of stay, and in-program technical violations and new arrests or referrals.	X.B.*
14	Information relating to the services provided and participants' in-program performance is entered into an electronic database. Statistical summaries from the database provide staff with real-time information concerning the Mental health Court's adherence to best practices and in-program outcomes.	X.F.
15	Outcomes are examined for all eligible participants who entered the Mental health Court regardless of whether they graduated, withdrew, or were terminated from the program.	X.H.
16	The Mental health Court regularly monitors whether members of historically disadvantaged groups complete the program at equivalent rates to other participants.	II.B. X.E.



**UTAH JUDICIAL COUNCIL**  
**ADULT DRUG COURT CERTIFICATION CHECKLIST**  
 REVISED AND ADOPTED DECEMBER 16, 2019

COURT LOCATION: Richfield Sixth District

JUDGE NAME: Judge Bagley

REVIEW DATE: February 13, 2024

Many of the criteria enumerated in this certification checklist are restatements of the Adult Drug Court Best Practice Standards, Volume I and Volume II, published by the National Association of Drug Court Professionals (NADCP). Those are indicated by a citation in the BPS column following the standard. An asterisk indicates a modification of the NADCP standard.

YES	NO	#	REQUIRED CERTIFICATION CRITERIA <i>Adherence to these standards is required for certification.</i>	BPS
<input checked="" type="checkbox"/>	<input type="checkbox"/>	1	Eligibility and exclusion criteria are defined and applied objectively.	I.A.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	2	Eligibility and exclusion criteria are specified in writing.	I.A.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	3	The program admits only participants who are high-risk high-need as measured by the RANT or some other approved and validated assessment tool.	I.B.*
<input checked="" type="checkbox"/>	<input type="checkbox"/>	4	Candidates for the Drug Court are assessed for eligibility using validated risk-assessment tool that has been demonstrated empirically to predict criminal recidivism or failure on community supervision and is equivalently predictive for women and racial or ethnic minority groups that are represented in the local arrestee population.	I.C.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	5	Candidates for the Drug Court are assessed for eligibility using validated clinical-assessment tool that evaluates the formal diagnostic symptoms of substance dependence or addiction.	I.C.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	6	Evaluators are trained and proficient in the administration of the assessment tools and interpretation of the results.	I.C.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	7	Current or prior offenses may not disqualify candidates from participation in the Drug Court unless empirical evidence demonstrates offenders with such records cannot be managed safely or effectively in a Drug Court.	I.D.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	8	Offenders charged with non-drug charges, drug dealing or those with violence histories are not excluded automatically from participation in the Drug Court.	I.D.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	9	If adequate treatment is available, candidates are not disqualified from participation in the Drug Court because of co-occurring mental health or medical conditions or because they have been legally prescribed psychotropic or addiction medication.	I.E.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	10	The program has a written policy addressing medically assisted treatment.	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	11	Participants ordinarily appear before the same judge throughout their enrollment in the Drug Court.	III.C.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	12	The judge regularly attends pre-court staff meetings during which each participant's progress is reviewed and potential consequences for performance are discussed by the Drug Court team.	III.D.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	13	Participants appear before the judge for status hearings no less frequently than every two weeks during the first phase of the program. In rural areas, some allowance may be made for other appearances or administrative reviews when the judge is unavailable.	III.E.



YES NO

		#	REQUIRED CERTIFICATION CRITERIA <i>Adherence to these standards is required for certification.</i>	BPS
<input checked="" type="checkbox"/>	<input type="checkbox"/>	14	Status hearings are scheduled no less frequently than every four weeks until participants graduate. In rural areas, some allowance may be made for other appearances or administrative reviews when the judge is unavailable.	III.E.*
<input checked="" type="checkbox"/>	<input type="checkbox"/>	15	The judge allows participants a reasonable opportunity to explain their perspectives concerning factual controversies and the imposition of sanctions, incentives, and therapeutic adjustments.	III.G.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	16	If a participant has difficulty expressing him or herself because of such factors as a language barrier, nervousness, or cognitive limitation, the judge permits the participant's attorney or legal representative to assist in providing such explanations.	IV.B.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	17	The judge is the ultimate arbiter of factual controversies and makes the final decision concerning the imposition of incentives or sanctions that affect a participant's legal status or liberty.	III.H. VIII.D.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	18	The judge makes these decisions after taking into consideration the input of other Drug Court team members and discussing the matter in court with the participant or the participant's legal representative.	III.H. VIII.D.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	19	The judge relies on the expert input of duly trained treatment professionals when imposing treatment-related conditions.	III.H.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	20	Policies and procedures concerning the administration of incentives, sanctions, and therapeutic adjustments are specified in writing and communicated in advance to Drug Court participants and team members.	IV.A.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	21	The policies and procedures provide a clear indication of which behaviors may elicit an incentive, sanction, or therapeutic adjustment; the range of consequences that may be imposed for those behaviors; the criteria for phase advancement, graduation, and termination from the program; and the legal and collateral consequences that may ensue from graduation and termination.	IV.A.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	22	The Drug Court has a range of sanctions of varying magnitudes that may be administered in response to infractions in the program.	IV.E.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	23	For goals that are difficult for participants to accomplish, such as abstaining from substance use or obtaining employment, the sanctions increase progressively in magnitude over successive infractions. For goals that are relatively easy for participants to accomplish, such as being truthful or attending counseling sessions, higher magnitude sanctions may be administered after only a few infractions.	IV.E.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	24	Consequences are imposed for the non-medically indicated use of intoxicating or addictive substances, including but not limited to alcohol, cannabis (marijuana) and prescription medications, regardless of the licit or illicit status of the substance.	IV.F.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	25	Drug testing is performed at least twice per week.	VII.A.*
<input checked="" type="checkbox"/>	<input type="checkbox"/>	26	Drug testing is random, and is available on weekends and holidays.	VII.B.*
<input checked="" type="checkbox"/>	<input type="checkbox"/>	27	Collection of test specimens is witnessed and specimens are examined routinely for evidence of dilution, tampering and adulteration.	VII.E* VII.F.*
<input checked="" type="checkbox"/>	<input type="checkbox"/>	28	Drug testing utilized by the Drug Court uses scientifically valid and reliable testing procedures and establishes a chain of custody for each specimen.	VII.G.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	29	Metabolite levels falling below industry- or manufacturer-recommended cutoff scores are not interpreted as evidence of new substance use or changes in substance use patterns, unless such conclusions are reached by an expert trained in toxicology, pharmacology or a related field.	VII.G.*



YES NO

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#	REQUIRED CERTIFICATION CRITERIA <i>Adherence to these standards is required for certification.</i>	BPS
30	Upon entering the Drug Court, participants receive a clear and comprehensive explanation of their rights and responsibilities relating to drug and alcohol testing.	VII.I.
31	The program requires a period of at least 90 consecutive days drug-free to graduate.	
32	The minimum length of the program is twelve months.	
33	Unless a participant poses an immediate risk to public safety, jail sanctions are administered after less severe consequences have been ineffective at deterring infractions.	IV.J.
34	Jail sanctions are definite in duration and typically last no more than three to five days.	IV.J.
35	Participants are given access to counsel and a fair hearing if a jail sanction might be imposed.	IV.J.
36	Participants are not terminated from the Drug Court for continued substance use if they are otherwise compliant with their treatment and supervision conditions, unless they are non-amenable to the treatments that are reasonably available in their community.	IV.K.
37	If a participant is terminated from the Drug Court because adequate treatment is not available, the participant does not receive an augmented sentence or disposition for failing to complete the program.	IV.K.
38	Participants are not incarcerated to achieve clinical or social service objectives such as obtaining access to detoxification services or sober living quarters.	V.B.
39	Treatment providers are licensed or certified to deliver substance abuse treatment, as required by the Department of Human Services or other relevant licensure or certification entity.	V.H.*
40	Participants regularly attend self-help or peer support groups in addition to professional counseling.	V.I.
41	The peer support groups follow a structured model or curriculum such as the 12-step or Smart Recovery models.	V.I.
42	There is a secular alternative to 12-step peer support groups.	
43	Participants complete a final phase of the Drug Court focusing on relapse prevention and continuing care.	V.J.
44	Participants are not excluded from participation in Drug Court because they lack a stable place of residence.	VI.D.
45	Participants diagnosed with mental illness receive appropriate mental health services beginning in the first phase of Drug Court and continuing as needed throughout their enrollment in the program.	VI.E.*
46	Participants are not required to participate in job seeking or vocational skills development in the early phases of drug court.	VI.I.*
47	At a minimum, the prosecutor / assistant attorney general, defense counsel, treatment representative, law enforcement, a guardian ad litem (in dependency courts), and the judge attend each staffing meeting.	VIII.B.*
48	At a minimum, the prosecutor / assistant attorney general, defense counsel, treatment representative, law enforcement, a guardian ad litem (in dependency courts), and the judge attend each Drug Court session.	VIII.A.*
49	Pre-court staff meetings are presumptively closed to participants and the public unless the court has good reason for a participant to attend discussions related to that participant's case.	VIII.B.



YES NO

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#	REQUIRED CERTIFICATION CRITERIA <i>Adherence to these standards is required for certification.</i>	BPS
50	Participants provide voluntary and informed consent permitting team members to share specified data elements relating to participants' progress in treatment and compliance with program requirements.	VIII.C.
51	Court fees are disclosed to each participant, are reasonable, and are based on each participant's ability to pay. Any fees assessed by the Drug Court must be reasonably related to the costs of testing or other services.	
52	Treatment fees are based on a sliding fee schedule and are disclosed to each participant.	
53	The Drug Court develops a remedial action plan and timetable to implement recommendations from the evaluator to improve the program's adherence to best practices.	X.D.*
54	The Drug Court has written policies and procedures that ensure confidentiality and security of participant information, which conform to all applicable state and federal laws, including, but not limited to, Utah's Governmental Records Access and Management Act (GRAMA), the Health Insurance Portability and Accountability Act of 1996 (HIPAA), and 42 C.F.R. 2 (Confidentiality of Substance Abuse Disorder Patient Records).	VIII.C.*

YES NO

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#	PRESUMED CERTIFICATION CRITERIA <i>There is a presumption that these standards must be met. If your program can show sufficient compensating measures, compliance with the standard may be waived.</i>	BPS
1	Eligibility and exclusion criteria are communicated to potential referral sources.	I.A.
2	The Drug Court regularly monitors the delivery of incentives and sanctions to ensure they are administered equivalently to all participants.	II.D.
3	Each member of the Drug Court team attends up-to-date training events on recognizing implicit cultural biases and correcting disparate impacts for members of historically disadvantaged groups.	II.F.
4	The Drug Court judge attends current training events on legal and constitutional issues in Drug Courts, judicial ethics, evidence-based substance abuse and mental health treatment, behavior modification, and community supervision.	III.A.
5	The judge presides over the Drug Court for no less than two consecutive years.	III.B.
6	The Judge spends an average of at least three minutes with each participant.	III.F.*
7	The Drug Court team relies on expert medical input to determine whether a prescription for an addictive or intoxicating medication is medically indicated and whether non-addictive, non-intoxicating, and medically safe alternative treatments are available.	IV.F.
8	Phase promotion is predicated on the achievement of realistic and defined behavioral objectives, such as completing a treatment regimen or remaining drug-abstinent for a specified period of time.	IV.I.
9	Treatment is reduced only if it is determined clinically that a reduction in treatment is unlikely to precipitate a relapse to substance use.	IV.I.
10	Testing regimens are not scheduled in seven-day or weekly blocks. The chances of being tested should be at least two in seven every day.	VII.B.*
11	Drug test results are available within 48 hours.	VII.H.
12	Participants are required to deliver a test specimen within 8 hours of being notified that a drug	VII.B.



YES NO

PRESUMED CERTIFICATION CRITERIA		BPS
#	<i>There is a presumption that these standards must be met. If your program can show sufficient compensating measures, compliance with the standard may be waived.</i>	
	or alcohol test has been scheduled.	
13	Randomly selected specimens are tested periodically for a broader range of substances to detect any new drugs of abuse that might be emerging in the Drug Court population.	VII.D.
14	If a participant denies substance use in response to a positive screening test, a portion of the same specimen is subjected to confirmatory analysis using an instrumented test, such as gas chromatography/mass spectrometry (GC/MS).	VII.G.
15	Standardized patient placement criteria govern the level of care that is provided.	V.A.
16	Adjustments to the level of care are predicated on each participant's response to treatment and are not tied to the Drug Court's programmatic phase structure.	V.A.
17	Participants receive a sufficient dosage and duration of substance abuse treatment to achieve long-term sobriety and recovery from addiction.	V.D.
18	Participants meet with a treatment provider or clinical case manager for at least one individual session per week during the first phase of the program.	V.E.
19	Participants are screened for their suitability for group interventions, and group membership is guided by evidence-based selection criteria including participants' gender, trauma histories and co-occurring psychiatric symptoms.	V.E.
20	Treatment providers administer behavioral or cognitive-behavioral treatments that are documented in manuals and have been demonstrated to improve outcomes for addicted persons involved in the criminal justice system.	V.F. VI.G
21	Treatment providers are proficient at delivering the interventions and are supervised regularly to ensure continuous fidelity to the treatment models.	V.F.
22	Treatment providers are supervised regularly to ensure continuous fidelity to evidence-based practices.	V.H.
23	Before participants enter the peer support groups, treatment providers use an evidence-based preparatory intervention, such as 12-step facilitation therapy.	V.I.
24	Participants prepare a continuing-care plan together with their counselor to ensure they continue to engage in pro-social activities and remain connected with a peer support group after their discharge from the Drug Court.	V.J.
25	Where indicated, participants receive assistance finding safe, stable, and drug-free housing beginning in the first phase of Drug Court and continuing as necessary throughout their enrollment in the program.	VI.D.
26	Participants are assessed using a validated instrument for trauma history, trauma-related symptoms, and posttraumatic stress disorder (PTSD).	VI.F.
27	All Drug Court team members, including court personnel and other criminal justice professionals, receive formal training on delivering trauma-informed services.	VI.F.
28	Participants with deficient employment or academic histories receive vocational or educational services beginning in a late phase of Drug Court.	VI.I.
29	Participants complete a brief evidence-based educational curriculum describing concrete measures they can take to prevent or reverse drug overdose.	VI.L.
30	<del>Clients are placed in the program within 50 days of arrest.</del>	



YES	NO	<b>PRESUMED CERTIFICATION CRITERIA</b>		<b>BPS</b>
		#	<i>There is a presumption that these standards must be met. If your program can show sufficient compensating measures, compliance with the standard may be waived.</i>	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	31	Team members are assigned to Drug Court for no less than two years.	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	32	All team members use electronic communication to contemporaneously communicate about Drug Court issues.	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	33	Subsequently, team members attend continuing education workshops on at least an annual basis to gain up-to-date knowledge about best practices on topics including substance abuse and mental health treatment, complementary treatment and social services, behavior modification, community supervision, drug and alcohol testing, team decision making, and constitutional and legal issues in Drug Courts.	VIII.F.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	34	New staff hires receive a formal orientation training on the Drug Court model and best practices in Drug Courts as soon as practicable after assuming their position and attend annual continuing education workshops thereafter.	VIII.F.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	35	The Drug Court has more than 15 but less than 125 active participants.	IX.A.*
<input checked="" type="checkbox"/>	<input type="checkbox"/>	36	The Drug Court monitors its adherence to best practice standards on at least an annual basis, develops a remedial action plan and timetable to rectify deficiencies, and examines the success of the remedial actions.	X.A.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	37	New arrests, new convictions, and new incarcerations are monitored for at least three years following each participant's entry into the Drug Court.	X.C.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	38	A skilled and independent evaluator examines the Drug Court's adherence to best practices and participant outcomes no less frequently than every five years.	X.D.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	39	Staff members are required to record information concerning the provision of services and in-program outcomes within forty-eight hours of the respective events.	X.G.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	40	The program conducts an exit interview for self-improvement.	

YES	NO	<b>NON-CERTIFICATION-RELATED BEST PRACTICE STANDARDS</b>		<b>BPS</b>
		#	<i>These are best practice standards that research has shown will produce better outcomes. Failure to meet these standards will not result in decertification.</i>	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	1	The Drug Court offers a continuum of care for substance abuse treatment including detoxification, residential, sober living, day treatment, intensive outpatient and outpatient services.	V.A.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	2	Treatment groups ordinarily have no more than twelve participants and at least two leaders or facilitators.	V.E.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	3	Treatment providers have substantial experience working with criminal justice populations.	V.H.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	4	For at least the first ninety days after discharge from the Drug Court, treatment providers or clinical case managers attempt to contact previous participants periodically by telephone, mail, e-mail, or similar means to check on their progress, offer brief advice and encouragement, and provide referrals for additional treatment when indicated.	V.J.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	5	Participants are assessed using a validated instrument for major mental health disorders that co-occur frequently in Drug Courts, including major depression, bipolar disorder (manic depression), posttraumatic stress disorder (PTSD), and other major anxiety disorders.	VI.E.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	6	Participants with PTSD or severe trauma-related symptoms are evaluated for their suitability for group interventions and are treated on an individual basis or in small groups when	VI.F.



YES NO

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NON-CERTIFICATION-RELATED BEST PRACTICE STANDARDS		BPS
#	<i>These are best practice standards that research has shown will produce better outcomes. Failure to meet these standards will not result in decertification.</i>	
	necessary to manage panic, dissociation, or severe anxiety.	
7	Female participants receive trauma-related services in gender-specific groups.	VI.F.
8	Participants are required to have a stable job, be enrolled in a vocational or educational program, or be engaged in comparable pro-social activity as a condition of graduating from Drug Court.	VI.I.
9	Participants receive immediate medical or dental treatment for conditions that are life-threatening, cause serious pain or discomfort, or may lead to long-term disability or impairment.	VI.J.
10	Before starting a Drug Court, team members attend a formal pre-implementation training to learn from expert faculty about best practices in Drug Courts and develop fair and effective policies and procedures for the program.	VIII.F.
11	Supervision caseloads do not exceed fifty active participants per supervision officer.	IX.B.
12	Caseloads for clinicians must permit sufficient opportunities to assess participant needs and deliver adequate and effective dosages of substance abuse treatment and indicated complementary services.	IX.C.
13	The Drug Court continually monitors participant outcomes during enrollment in the program, including attendance at scheduled appointments, drug and alcohol test results, graduation rates, lengths of stay, and in-program technical violations and new arrests or referrals.	X.B.*
14	Information relating to the services provided and participants' in-program performance is entered into an electronic database. Statistical summaries from the database provide staff with real-time information concerning the Drug Court's adherence to best practices and in-program outcomes.	X.F.
15	Outcomes are examined for all eligible participants who entered the Drug Court regardless of whether they graduated, withdrew, or were terminated from the program.	X.H.
16	The Drug Court regularly monitors whether members of historically disadvantaged groups complete the program at equivalent rates to other participants.	II.B. X.E.
17	<u>Clients are placed in the program within 50 days after change of plea, sentencing, or a finding that a probation violation has occurred, or within a short period of time thereafter. The earlier treatment begins, the better the outcomes.</u>	

Tab 10



# Administrative Office of the Courts

Chief Justice Matthew B. Durrant  
Utah Supreme Court  
Chair, Utah Judicial Council

May 5th, 2025

Ronald B. Gordon, Jr.  
State Court Administrator  
Neira Siaperas  
Deputy State Court Administrator

## MEMORANDUM

**TO: Management Committee. Judicial Council**

**FROM: Katy Burke, Statewide Treatment Court Coordinator, AOC**  
**Judge Douglas Neilsen, District 4 – Juab and Millard Counties**  
**Shelly Waite, Trial Court Executive, District 4 – Juvenile**  
**Cris Seabury, Statewide Treatment Court Certification Coordinator, AOC**

**RE: Family Treatment Court Application. Fourth District Juvenile Court (Juab and Millard Counties)**

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The mission of the family treatment court is to establish an integrated, court-based collaboration that protects children who have suffered abuse and/or neglect that was precipitated by substance abuse, through timely decisions, coordinated services, and safe appropriate permanent placements.

The target population for the program is parents involved in child welfare cases in the Fourth District Juvenile Court (Juab and Millard Counties) who are at risk of losing custody of their children due to substance use related issues. The parents in the target population have been adjudicated for child abuse and/or neglect in which parental substance abuse is the primary or underlying cause for child maltreatment. The parents are determined to have significant substance abuse issues, but do not have violent criminal behavior convictions. These parents can benefit from the targeted approach of a family treatment court by reducing their risk of losing custody of their children with the help of the collaborative team and resources the treatment court can provide.

Juab and Millard counties are both rural communities with an identified need and support to start a combined family treatment court. Combining the counties would help with having enough participants involved to truly have the effect of a group process.

Anticipating anywhere between four to eight participants, Judge Nielsen would hold the treatment court every two weeks. Participants would appear in person when Judge Nielsen appeared in person in their county and virtually when Judge Nielsen was in the opposite county. For example, when Judge Nielsen is in Nephi, the Fillmore participants would appear virtually

**The mission of the Utah judiciary is to provide the people an open, fair,  
efficient, and independent system for the advancement of justice under the law.**

and Nephi participants would appear in person, and the opposite would occur the following month. Drug testing is also an area of concern with rural communities.

The current contract through DCFS is limited. There are limited numbers of clients who need drug testing therefore the contract provider has limited hours and availability in each community. The group will continue to talk and meet often to make sure the drug testing is a valuable resource for those participating in the combined family treatment court.

The funding for this problem-solving court is already in place with each stakeholder independently and no additional court funds are necessary. There is no anticipated impact as these are already referred cases. Family Treatment court is just a different way of processing the case to benefit the youth and family.

Tab 11



# Administrative Office of the Courts

Chief Justice Matthew B. Durrant  
Utah Supreme Court  
Chair, Utah Judicial Council

May 5, 2025

Ronald B. Gordon, Jr.  
State Court Administrator  
Neira Siaperas  
Deputy State Court Administrator

## MEMORANDUM

**TO: Management Committee, Judicial Council**

**FROM: Cris Seabury Statewide Treatment Court Certification Coordinator**  
**Katy Burke, Statewide Treatment Court Coordinator**

**RE: Treatment Court Certification - Recommendations**

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According to UCJA [Rule 4-409](#) Council Approval of Problem-Solving Courts, each problem-solving court must be considered for certification by the Judicial Council every two years. Prior to submitting certification recommendations to the Judicial Council, Cris Seabury, the Statewide Treatment Court Certification Coordinator, conducts site visits with each court to observe the pre-court staff meeting, treatment court hearings, and to interview each treatment court team member. The certification coordinator also reviews the certification checklist approved by the Judicial Council, staffing documents and the policy and procedure manuals for each treatment court. The certification coordinator completes a jurisdiction report for each Court which includes the strengths, recommendations and resources identified through the certification process.

**Second District - Weber County - Judge David Williams Adult Mental Health Court.** Based on the courts' answers on the certification checklist, team member interviews, and court observation the Statewide Treatment Court Certification Coordinator recommends the Judicial Council certify the Second District Weber County Adult Mental Recovery Court.

**REQUIRED CERTIFICATION CRITERIA:** The court meets all required certification criteria.

**PRESUMED CERTIFICATION CRITERIA:** The court meets all presumed certification criteria.

The mission of the Utah judiciary is to provide the people an open, fair,  
efficient, and independent system for the advancement of justice under the law.



#### **NON-CERTIFICATION CRITERIA:**

**#8. Participants are required to have a stable job, be enrolled in a vocational or educational program or be engaged in comparable pro-social activity as a condition of graduating from Mental Health Court.** The team checked no incorrectly. A majority of the participants engage in pro-social activities. Davis Behavioral Health and USARA coordinate prosocial activities for the treatment court.

**UTAH JUDICIAL COUNCIL**  
**MENTAL HEALTH COURT CERTIFICATION CHECKLIST**  
 REVISED AND ADOPTED 2020

COURT LOCATION: Davis County - Farmington  
 NAME: Williams  
 REVIEW DATE: April 2024

*Many of the criteria enumerated in this certification checklist are restatements of the Adult Drug Court Best Practice Standards, Volume I and Volume II, published by the National Association of Drug Court Professionals (NADCP). Those are indicated by a citation in the BPS column following the standard. An asterisk indicates a modification of the NADCP standard.*

YES	NO	#	REQUIRED CERTIFICATION CRITERIA <i>Adherence to these standards is required for certification.</i>	BPS
<input checked="" type="checkbox"/>	<input type="checkbox"/>	1	Eligibility and exclusion criteria are defined and applied objectively.	I.A.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	2	Eligibility and exclusion criteria are specified in writing.	I.A.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	3	The program admits only participants who are high-risk high-need as measured by the RANT or some other approved and validated assessment tool.	I.B.*
<input checked="" type="checkbox"/>	<input type="checkbox"/>	4	Candidates for the Mental health Court are assessed for eligibility using validated risk-assessment tool that has been demonstrated empirically to predict criminal recidivism or failure on community supervision and is equivalently predictive for women and racial or ethnic minority groups that are represented in the local arrestee population.	I.C.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	5	Candidates for the Mental health Court are assessed for eligibility using validated clinical-assessment tool that evaluates the formal diagnostic symptoms of substance dependence or addiction.	I.C.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	6	Evaluators are trained and proficient in the administration of the assessment tools and interpretation of the results.	I.C.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	7	Current or prior offenses may not disqualify candidates from participation in the Mental health Court unless empirical evidence demonstrates offenders with such records cannot be managed safely or effectively in a Mental health Court.	I.D.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	8	Offenders charged with non-drug charges, drug dealing or those with violence histories are not excluded automatically from participation in the Mental health Court.	I.D.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	9	If adequate treatment is available, candidates are not disqualified from participation in the Mental health Court because of co-occurring mental health or medical conditions or because they have been legally prescribed psychotropic or addiction medication.	I.E.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	10	The program has a written policy addressing medically assisted treatment.	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	11	Participants ordinarily appear before the same judge throughout their enrollment in the Mental health Court.	III.C.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	12	The judge regularly attends pre-court staff meetings during which each participant's progress is reviewed and potential consequences for performance are discussed by the Mental health Court team.	III.D.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	13	Participants appear before the judge for status hearings no less frequently than every two weeks during the first phase of the program. In rural areas, some allowance may be made for other appearances or administrative reviews when the judge is unavailable.	III.E.



<input checked="" type="checkbox"/> <input type="checkbox"/>	14	Status hearings are scheduled no less frequently than every four weeks until participants graduate. In rural areas, some allowance may be made for other appearances or administrative reviews when the judge is unavailable.	III.E.*
<input checked="" type="checkbox"/> <input type="checkbox"/>	15	The judge allows participants a reasonable opportunity to explain their perspectives concerning factual controversies and the imposition of sanctions, incentives, and therapeutic adjustments.	III.G.
<input checked="" type="checkbox"/> <input type="checkbox"/>	16	If a participant has difficulty expressing him or herself because of such factors as a language barrier, nervousness, or cognitive limitation, the judge permits the participant's attorney or legal representative to assist in providing such explanations.	IV.B.
<input checked="" type="checkbox"/> <input type="checkbox"/>	17	The judge is the ultimate arbiter of factual controversies and makes the final decision concerning the imposition of incentives or sanctions that affect a participant's legal status or liberty.	III.H. VIII.D.
<input checked="" type="checkbox"/> <input type="checkbox"/>	18	The judge makes these decisions after taking into consideration the input of other Mental health Court team members and discussing the matter in court with the participant or the participant's legal representative.	III.H. VIII.D.
<input checked="" type="checkbox"/> <input type="checkbox"/>	19	The judge relies on the expert input of duly trained treatment professionals when imposing treatment-related conditions.	III.H.
<input checked="" type="checkbox"/> <input type="checkbox"/>	20	Policies and procedures concerning the administration of incentives, sanctions, and therapeutic adjustments are specified in writing and communicated in advance to Mental health Court participants and team members.	IV.A.
<input checked="" type="checkbox"/> <input type="checkbox"/>	21	The policies and procedures provide a clear indication of which behaviors may elicit an incentive, sanction, or therapeutic adjustment; the range of consequences that may be imposed for those behaviors; the criteria for phase advancement, graduation, and termination from the program; and the legal and collateral consequences that may ensue from graduation and termination.	IV.A.
<input checked="" type="checkbox"/> <input type="checkbox"/>	22	The Mental health Court has a range of sanctions of varying magnitudes that may be administered in response to infractions in the program.	IV.E.
<input checked="" type="checkbox"/> <input type="checkbox"/>	23	For goals that are difficult for participants to accomplish, such as abstaining from substance use or obtaining employment, the sanctions increase progressively in magnitude over successive infractions. For goals that are relatively easy for participants to accomplish, such as being truthful or attending counseling sessions, higher magnitude sanctions may be administered after only a few infractions.	IV.E.
<input checked="" type="checkbox"/> <input type="checkbox"/>	24	Consequences are imposed for the non-medically indicated use of intoxicating or addictive substances, including but not limited to alcohol, cannabis (marijuana) and prescription medications, regardless of the licit or illicit status of the substance.	IV.F.
<input checked="" type="checkbox"/> <input type="checkbox"/>	25	Drug testing is performed at least twice per week.	VII.A.*
<input checked="" type="checkbox"/> <input type="checkbox"/>	26	Drug testing is random, and is available on weekends and holidays.	VII.B.*
<input checked="" type="checkbox"/> <input type="checkbox"/>	27	Collection of test specimens is witnessed and specimens are examined routinely for evidence of dilution, tampering and adulteration.	VII.E.* VII.F.*
<input checked="" type="checkbox"/> <input type="checkbox"/>	28	Drug testing utilized by the Mental health Court uses scientifically valid and reliable testing procedures and establishes a chain of custody for each specimen.	VII.G.
<input checked="" type="checkbox"/> <input type="checkbox"/>	29	Metabolite levels falling below industry- or manufacturer-recommended cutoff scores are not interpreted as evidence of new substance use or changes in substance use patterns, unless such conclusions are reached by an expert trained in toxicology, pharmacology or a related field.	VII.G.*
<input checked="" type="checkbox"/> <input type="checkbox"/>	30	Upon entering the Mental health Court, participants receive a clear and comprehensive explanation of their rights and responsibilities relating to drug and alcohol testing.	VII.I.



<input checked="" type="checkbox"/>	<input type="checkbox"/>	31	The program requires a period of at least 90 consecutive days drug-free to graduate.	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	32	The minimum length of the program is twelve months.	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	33	Unless a participant poses an immediate risk to public safety, jail sanctions are administered after less severe consequences have been ineffective at deterring infractions.	IV.J.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	34	Jail sanctions are definite in duration and typically last no more than three to five days.	IV.J.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	35	Participants are given access to counsel and a fair hearing if a jail sanction might be imposed.	IV.J.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	36	Participants are not terminated from the Mental health Court for continued substance use if they are otherwise compliant with their treatment and supervision conditions, unless they are non-amenable to the treatments that are reasonably available in their community.	IV.K.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	37	If a participant is terminated from the Mental health Court because adequate treatment is not available, the participant does not receive an augmented sentence or disposition for failing to complete the program.	IV.K.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	38	Participants are not incarcerated to achieve clinical or social service objectives such as obtaining access to detoxification services or sober living quarters.	V.B.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	39	Treatment providers are licensed or certified to deliver substance abuse treatment, as required by the Department of Human Services or other relevant licensure or certification entity.	V.H.*
<input checked="" type="checkbox"/>	<input type="checkbox"/>	40	Participants regularly attend self-help or peer support groups in addition to professional counseling.	V.I.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	41	The peer support groups follow a structured model or curriculum such as the 12-step or Smart Recovery models.	V.I.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	42	There is a secular alternative to 12-step peer support groups.	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	43	Participants complete a final phase of the Mental health Court focusing on relapse prevention and continuing care.	V.J.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	44	Participants are not excluded from participation in Mental health Court because they lack a stable place of residence.	VI.D.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	45	Participants diagnosed with mental illness receive appropriate mental health services beginning in the first phase of Mental health Court and continuing as needed throughout their enrollment in the program.	VI.E.*
<input checked="" type="checkbox"/>	<input type="checkbox"/>	46	Participants are not required to participate in job seeking or vocational skills development in the early phases of mental health court.	VI.I.*
<input checked="" type="checkbox"/>	<input type="checkbox"/>	47	At a minimum, the prosecutor / assistant attorney general, defense counsel, treatment representative, law enforcement, a guardian ad litem (in dependency courts), and the judge attend each staffing meeting.	VIII.B.*
<input checked="" type="checkbox"/>	<input type="checkbox"/>	48	At a minimum, the prosecutor / assistant attorney general, defense counsel, treatment representative, law enforcement, a guardian ad litem (in dependency courts), and the judge attend each Mental health Court session.	VIII.A.*
<input checked="" type="checkbox"/>	<input type="checkbox"/>	49	Pre-court staff meetings are presumptively closed to participants and the public unless the court has good reason for a participant to attend discussions related to that participant's case.	VIII.B.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	50	Participants provide voluntary and informed consent permitting team members to share specified data elements relating to participants' progress in treatment and compliance with program requirements.	VIII.C.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	51	Court fees are disclosed to each participant, are reasonable, and are based on each participant's ability to pay. Any fees assessed by the Mental health Court must be reasonably	



		related to the costs of testing or other services.	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	52 Treatment fees are based on a sliding fee schedule and are disclosed to each participant.	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	53 The Mental health Court develops a remedial action plan and timetable to implement recommendations from the evaluator to improve the program's adherence to best practices.	X.D.*
<input checked="" type="checkbox"/>	<input type="checkbox"/>	54 The Mental health Court has written policies and procedures that ensure confidentiality and security of participant information, which conform to all applicable state and federal laws, including, but not limited to, Utah's Governmental Records Access and Management Act (GRAMA), the Health Insurance Portability and Accountability Act of 1996 (HIPAA), and 42 C.F.R. 2 (Confidentiality of Substance Abuse Disorder Patient Records).	VIII.C.*

YES	NO	#	<b>PRESUMED CERTIFICATION CRITERIA</b> <i>There is a presumption that these standards must be met. If your program can show sufficient compensating measures, compliance with the standard may be waived.</i>	BPS
<input checked="" type="checkbox"/>	<input type="checkbox"/>	1	Eligibility and exclusion criteria are communicated to potential referral sources.	I.A.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	2	The Mental health Court regularly monitors the delivery of incentives and sanctions to ensure they are administered equivalently to all participants.	II.D.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	3	Each member of the Mental health Court team attends up-to-date training events on recognizing implicit cultural biases and correcting disparate impacts for members of historically disadvantaged groups.	II.F.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	4	The Mental health Court judge attends current training events on legal and constitutional issues in Mental health Courts, judicial ethics, evidence-based substance abuse and mental health treatment, behavior modification, and community supervision.	III.A.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	5	The judge presides over the Mental health Court for no less than two consecutive years.	III.B.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	6	The Judge spends an average of at least three minutes with each participant.	III.F.*
<input checked="" type="checkbox"/>	<input type="checkbox"/>	7	The Mental health Court team relies on expert medical input to determine whether a prescription for an addictive or intoxicating medication is medically indicated and whether non-addictive, non-intoxicating, and medically safe alternative treatments are available.	IV.F.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	8	Phase promotion is predicated on the achievement of realistic and defined behavioral objectives, such as completing a treatment regimen or remaining drug-abstinent for a specified period of time.	IV.I.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	9	Treatment is reduced only if it is determined clinically that a reduction in treatment is unlikely to precipitate a relapse to substance use.	IV.I.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	10	Testing regimens are not scheduled in seven-day or weekly blocks. The chances of being tested should be at least two in seven every day.	VII.B.*
<input checked="" type="checkbox"/>	<input type="checkbox"/>	11	Drug test results are available within 48 hours.	VII.H.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	12	Participants are required to deliver a test specimen within 8 hours of being notified that a drug or alcohol test has been scheduled.	VII.B.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	13	Randomly selected specimens are tested periodically for a broader range of substances to detect any new drugs of abuse that might be emerging in the Mental health Court population.	VII.D.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	14	If a participant denies substance use in response to a positive screening test, a portion of the same specimen is subjected to confirmatory analysis using an instrumented test, such as gas chromatography/mass spectrometry (GC/MS).	VII.G.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	15	Standardized patient placement criteria govern the level of care that is provided.	V.A.



<input checked="" type="checkbox"/> <input type="checkbox"/>	16	Adjustments to the level of care are predicated on each participant's response to treatment and are not tied to the Mental health Court's programmatic phase structure.	V.A.
<input checked="" type="checkbox"/> <input type="checkbox"/>	17	Participants receive a sufficient dosage and duration of substance abuse treatment to achieve long-term sobriety and recovery from addiction.	V.D.
<input checked="" type="checkbox"/> <input type="checkbox"/>	18	Participants meet with a treatment provider or clinical case manager for at least one individual session per week during the first phase of the program.	V.E.
<input checked="" type="checkbox"/> <input type="checkbox"/>	19	Participants are screened for their suitability for group interventions, and group membership is guided by evidence-based selection criteria including participants' gender, trauma histories and co-occurring psychiatric symptoms.	V.E.
<input checked="" type="checkbox"/> <input type="checkbox"/>	20	Treatment providers administer behavioral or cognitive-behavioral treatments that are documented in manuals and have been demonstrated to improve outcomes for addicted persons involved in the criminal justice system.	V.F. VI.G
<input checked="" type="checkbox"/> <input type="checkbox"/>	21	Treatment providers are proficient at delivering the interventions and are supervised regularly to ensure continuous fidelity to the treatment models.	V.F.
<input checked="" type="checkbox"/> <input type="checkbox"/>	22	Treatment providers are supervised regularly to ensure continuous fidelity to evidence-based practices.	V.H.
<input checked="" type="checkbox"/> <input type="checkbox"/>	23	Before participants enter the peer support groups, treatment providers use an evidence-based preparatory intervention, such as 12-step facilitation therapy.	V.I.
<input checked="" type="checkbox"/> <input type="checkbox"/>	24	Participants prepare a continuing-care plan together with their counselor to ensure they continue to engage in pro-social activities and remain connected with a peer support group after their discharge from the Mental health Court.	V.J.
<input checked="" type="checkbox"/> <input type="checkbox"/>	25	Where indicated, participants receive assistance finding safe, stable, and drug-free housing beginning in the first phase of Mental health Court and continuing as necessary throughout their enrollment in the program.	VI.D.
<input checked="" type="checkbox"/> <input type="checkbox"/>	26	Participants are assessed using a validated instrument for trauma history, trauma-related symptoms, and posttraumatic stress disorder (PTSD).	VI.F.
<input checked="" type="checkbox"/> <input type="checkbox"/>	27	All Mental health Court team members, including court personnel and other criminal justice professionals, receive formal training on delivering trauma-informed services.	VI.F.
<input checked="" type="checkbox"/> <input type="checkbox"/>	28	Participants with deficient employment or academic histories receive vocational or educational services beginning in a late phase of Mental health Court.	VI.I.
<input checked="" type="checkbox"/> <input type="checkbox"/>	29	Participants complete a brief evidence-based educational curriculum describing concrete measures they can take to prevent or reverse drug overdose.	VI.L.
<input checked="" type="checkbox"/> <input type="checkbox"/>	30	Clients are placed in the program within 50 days of eligibility screening.	
<input checked="" type="checkbox"/> <input type="checkbox"/>	31	Team members are assigned to Mental health Court for no less than two years.	
<input checked="" type="checkbox"/> <input type="checkbox"/>	32	All team members use electronic communication to contemporaneously communicate about Mental health Court issues.	
<input checked="" type="checkbox"/> <input type="checkbox"/>	33	Subsequently, team members attend continuing education workshops on at least an annual basis to gain up-to-date knowledge about best practices on topics including substance abuse and mental health treatment, complementary treatment and social services, behavior modification, community supervision, drug and alcohol testing, team decision making, and constitutional and legal issues in Mental health Courts.	VIII.F.
<input checked="" type="checkbox"/> <input type="checkbox"/>	34	New staff hires receive a formal orientation training on the Mental health Court model and best practices in Mental health Courts as soon as practicable after assuming their position and attend annual continuing education workshops thereafter.	VIII.F.
<input checked="" type="checkbox"/> <input type="checkbox"/>	35	The Mental health Court has more than 15 but less than 125 active participants.	IX.A.*



<input type="checkbox"/>	<input type="checkbox"/>			
<input checked="" type="checkbox"/>	<input type="checkbox"/>	36	The Mental health Court monitors its adherence to best practice standards on at least an annual basis, develops a remedial action plan and timetable to rectify deficiencies, and examines the success of the remedial actions.	X.A.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	37	New arrests, new convictions, and new incarcerations are monitored for at least three years following each participant's entry into the Mental health Court.	X.C.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	38	A skilled and independent evaluator examines the Mental health Court's adherence to best practices and participant outcomes no less frequently than every five years.	X.D.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	39	Staff members are required to record information concerning the provision of services and in-program outcomes within forty-eight hours of the respective events.	X.G.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	40	The program conducts an exit interview for self-improvement.	

YES	NO	#	<b>NON-CERTIFICATION-RELATED BEST PRACTICE STANDARDS</b> <i>These are best practice standards that research has shown will produce better outcomes. Failure to meet these standards will not result in decertification.</i>	BPS
<input checked="" type="checkbox"/>	<input type="checkbox"/>	1	The Mental health Court offers a continuum of care for substance abuse treatment including detoxification, residential, sober living, day treatment, intensive outpatient and outpatient services.	V.A.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	2	Treatment groups ordinarily have no more than twelve participants and at least two leaders or facilitators.	V.E.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	3	Treatment providers have substantial experience working with criminal justice populations.	V.H.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	4	For at least the first ninety days after discharge from the Mental health Court, treatment providers or clinical case managers attempt to contact previous participants periodically by telephone, mail, e-mail, or similar means to check on their progress, offer brief advice and encouragement, and provide referrals for additional treatment when indicated.	V.J.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	5	Participants are assessed using a validated instrument for major mental health disorders that co-occur frequently in Mental health Courts, including major depression, bipolar disorder (manic depression), posttraumatic stress disorder (PTSD), and other major anxiety disorders.	VI.E.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	6	Participants with PTSD or severe trauma-related symptoms are evaluated for their suitability for group interventions and are treated on an individual basis or in small groups when necessary to manage panic, dissociation, or severe anxiety.	VI.F.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	7	Female participants receive trauma-related services in gender-specific groups.	VI.F.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	8	Participants are required to have a stable job, be enrolled in a vocational or educational program, or be engaged in comparable pro-social activity as a condition of graduating from Mental health Court.	VI.I.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	9	Participants receive immediate medical or dental treatment for conditions that are life-threatening, cause serious pain or discomfort, or may lead to long-term disability or impairment.	VI.J.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	10	Before starting a Mental health Court, team members attend a formal pre-implementation training to learn from expert faculty about best practices in Mental health Courts and develop fair and effective policies and procedures for the program.	VIII.F.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	11	Supervision caseloads do not exceed fifty active participants per supervision officer.	IX.B.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	12	Caseloads for clinicians must permit sufficient opportunities to assess participant needs and deliver adequate and effective dosages of substance abuse treatment and indicated	IX.C.

		complementary services.	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	13 The Mental health Court continually monitors participant outcomes during enrollment in the program, including attendance at scheduled appointments, drug and alcohol test results, graduation rates, lengths of stay, and in-program technical violations and new arrests or referrals.	X.B.*
<input checked="" type="checkbox"/>	<input type="checkbox"/>	14 Information relating to the services provided and participants' in-program performance is entered into an electronic database. Statistical summaries from the database provide staff with real-time information concerning the Mental health Court's adherence to best practices and in-program outcomes.	X.F.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	15 Outcomes are examined for all eligible participants who entered the Mental health Court regardless of whether they graduated, withdrew, or were terminated from the program.	X.H.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	16 The Mental health Court regularly monitors whether members of historically disadvantaged groups complete the program at equivalent rates to other participants.	II.B. X.E.





# Administrative Office of the Courts

Chief Justice Matthew B. Durrant  
Utah Supreme Court  
Chair, Utah Judicial Council

May 5, 2025

Ronald B. Gordon, Jr.  
State Court Administrator  
Neira Siaperas  
Deputy State Court Administrator

## MEMORANDUM

**TO: Management Committee, Judicial Council**

**FROM: Cris Seabury Statewide Treatment Court Certification Coordinator**  
**Katy Burke, Statewide Treatment Court Coordinator**

**RE: Treatment Court Certification - Recommendations**

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According to UCJA [Rule 4-409](#) Council Approval of Problem-Solving Courts, each problem-solving court must be considered for certification by the Judicial Council every two years. Prior to submitting certification recommendations to the Judicial Council, Cris Seabury, the Statewide Treatment Court Certification Coordinator, conducts site visits with each court to observe the pre-court staff meeting, treatment court hearings, and to interview each treatment court team member. The certification coordinator also reviews the certification checklist approved by the Judicial Council, staffing documents and the policy and procedure manuals for each treatment court. The certification coordinator completes a jurisdiction report for each Court which includes the strengths, recommendations and resources identified through the certification process.

**Third District - Salt Lake County - Judge Elizabeth Knight Youth Wellness Court.** Based on the courts' answers on the certification checklist, team member interviews, and court observation the Statewide Treatment Court Certification Coordinator recommends the Judicial Council certify the Third District Salt Lake County Youth Wellness Court.

**REQUIRED CERTIFICATION CRITERIA:** The court meets all required certification criteria.

**PRESUMED CERTIFICATION CRITERIA:** The court meets all presumed certification criteria.

The mission of the Utah judiciary is to provide the people an open, fair,  
efficient, and independent system for the advancement of justice under the law.

## **NON-CERTIFICATION CRITERIA:**

**#9. Before starting a Mental Health Court, team members attend a formal pre-implementation training to learn from expert faculty about best practices in Mental Health Courts and develop fair and effective policies for the program.** The Court was previously called CARE Court and was on pause for 9 months while the team worked together to restructure the program. The Court is designed by the Juvenile Drug Court Best Practice Standards as there are no best practices for Juvenile Mental Health Courts. The team members have attended training at a state and national level. The court schedules quarterly meetings where education and resources can be provided.

**#13. Information relating to the services provided and participant's in-program performance is entered into an electronic database. Statistical summaries from the database provide staff with real-time information concerning the Mental Health Court's adherences to best practices and in-program outcomes.** The court checked no incorrectly. The court uses the CARE case management system but it does not track data. The team has a spreadsheet that contains pertinent information and the program manager is including additional categories to track supplementary data points.

**UTAH JUDICIAL COUNCIL**  
**JUVENILE MENTAL HEALTH COURT CERTIFICATION CHECKLIST**  
 REVISED AND ADOPTED 2023

**COURT LOCATION:** 3<sup>rd</sup> District Juvenile Court (Salt Lake City)

**COURT NUMBER:** W 25

**NAME:** Youth Wellness Court

**REVIEW DATE:** April 9, 2025

*Many of the criteria enumerated in this certification checklist are restatements of the Adult Drug Court Best Practice Standards, Volume I and Volume II, published by the National Association of Drug Court Professionals (NADCP). Those are indicated by a citation in the **BPS** column following the standard. An asterisk indicates a modification of the NADCP standard.*

YES	NO	#	REQUIRED CERTIFICATION CRITERIA <i>Adherence to these standards is required for certification.</i>	BPS
X	<input type="checkbox"/>	1	Eligibility and exclusion criteria are defined and applied objectively.	I.A.
X	<input type="checkbox"/>	2	Eligibility and exclusion criteria are specified in writing.	I.A.
X	<input type="checkbox"/>	3	The program admits only participants who are high-risk, high-need, however, if a program is unable to target high risk and high need offenders as measured by the RANT or some other approved and validated assessment tool, the program develops alternative tracks with services that are modified to meet risk and need levels of its participants.	I.B.*
X	<input type="checkbox"/>	4	Candidates for the Mental health Court are assessed for eligibility using validated risk-assessment tool that has been demonstrated empirically to predict criminal recidivism or failure on community supervision and is equivalently predictive for women and racial or ethnic minority groups that are represented in the local arrestee population.	I.C.
X	<input type="checkbox"/>	5	Candidates for the Mental health Court are assessed for eligibility using validated clinical-assessment tool that evaluates the formal diagnostic symptoms.	I.C.
X	<input type="checkbox"/>	6	Evaluators are trained and proficient in the administration of the assessment tools and interpretation of the results.	I.C.
X	<input type="checkbox"/>	7	Current or prior offenses may not disqualify candidates from participation in the Mental health Court unless empirical evidence demonstrates offenders with such records cannot be managed safely or effectively in a Mental health Court.	I.D.
X	<input type="checkbox"/>	8	Offenders charged with non-drug charges, drug dealing or those with violence histories are not excluded automatically from participation in the Mental health Court.	I.D.
X	<input type="checkbox"/>	9	If adequate treatment is available, candidates are not disqualified from participation in the Mental health Court because of co-occurring mental health or medical conditions or because they have been legally prescribed psychotropic or addiction medication.	I.E.
X	<input type="checkbox"/>	10	The program has a written policy addressing medically assisted treatment.	
X	<input type="checkbox"/>	11	Participants ordinarily appear before the same judge throughout their enrollment in the Mental health Court.	III.C.
X	<input type="checkbox"/>	12	The judge regularly attends pre-court staff meetings during which each participant's progress is reviewed and potential consequences for performance are discussed by the Mental health Court team.	III.D.

YES	NO	#	REQUIRED CERTIFICATION CRITERIA <i>Adherence to these standards is required for certification.</i>	BPS
X	<input type="checkbox"/>	13	Participants appear before the Judge for status hearings no less frequently than every two weeks during the first phase of the program. In rural areas, some allowance may be made for other appearances or administrative reviews when the Judge is unavailable.	III.E.
X	<input type="checkbox"/>	14	Status hearings are scheduled no less frequently than every four weeks until participants graduate. In rural areas, some allowance may be made for other appearances or administrative reviews when the Judge is unavailable.	III.E.*
X	<input type="checkbox"/>	15	The Judge allows participants a reasonable opportunity to explain their perspectives concerning factual controversies and the imposition of sanctions, incentives, and therapeutic adjustments.	III.G.
X	<input type="checkbox"/>	16	If a participant has difficulty expressing him or herself because of such factors as a language barrier, nervousness, or cognitive limitation, the Judge permits the participant's attorney or legal representative to assist in providing such explanations.	IV.B.
X	<input type="checkbox"/>	17	The Judge is the ultimate arbiter of factual controversies and makes the final decision concerning the imposition of incentives or sanctions that affect a participant's legal status or liberty.	III.H. VIII.D.
X	<input type="checkbox"/>	18	The Judge makes these decisions after taking into consideration the input of other Mental Health Court team members and discussing the matter in court with the participant or the participant's legal representative.	III.H. VIII.D.
X	<input type="checkbox"/>	19	The Judge relies on the expert input of duly trained treatment professionals when imposing treatment-related conditions.	III.H.
X	<input type="checkbox"/>	20	Policies and procedures concerning the administration of incentives, sanctions, and therapeutic adjustments are specified in writing and communicated in advance to Mental Health Court participants and team members.	IV.A.
X	<input type="checkbox"/>	21	The policies and procedures provide a clear indication of which behaviors may elicit an incentive, sanction, or therapeutic adjustment; the range of consequences that may be imposed for those behaviors; the criteria for phase advancement, graduation, and termination from the program; and the legal and collateral consequences that may ensue from graduation and termination.	IV.A.
X	<input type="checkbox"/>	22	The Juvenile Mental Health Court has a range of sanctions of varying magnitudes that may be administered in response to infractions in the program.	IV.E.
X	<input type="checkbox"/>	23	For goals that are difficult for participants to accomplish, such as abstaining from substance use or obtaining employment, the sanctions increase progressively in magnitude over successive infractions. For goals that are relatively easy for participants to accomplish, such as being truthful or attending counseling sessions, higher magnitude sanctions may be administered after only a few infractions.	IV.E.
X	<input type="checkbox"/>	24	Consequences are imposed for the non-medically indicated use of intoxicating or addictive substances, including but not limited to alcohol, cannabis (marijuana) and prescription medications, regardless of the licit or illicit status of the substance.	IV.F.
X	<input type="checkbox"/>	25	Drug testing is performed at least twice per week when a participant has a history of drug use.	VII.A.*
X	<input type="checkbox"/>	26	When necessary, drug testing is random, and is available on weekends and holidays.	VII.B.*
X	<input type="checkbox"/>	27	Collection of test specimens is witnessed and specimens are examined routinely for evidence of dilution, tampering and adulteration.	VII.E* VII.F.*
X	<input type="checkbox"/>	28	Drug testing utilized by the Mental Health Court uses scientifically valid and reliable testing procedures and establishes a chain of custody for each specimen.	VII.G.

YES	NO	#	REQUIRED CERTIFICATION CRITERIA <i>Adherence to these standards is required for certification.</i>	BPS
X	<input type="checkbox"/>	29	Metabolite levels falling below industry- or manufacturer-recommended cutoff scores are not interpreted as evidence of new substance use or changes in substance use patterns, unless such conclusions are reached by an expert trained in toxicology, pharmacology or a related field.	VII.G.*
X	<input type="checkbox"/>	30	When appropriate, upon entering the Mental Health Court, participants receive a clear and comprehensive explanation of their rights and responsibilities relating to drug and alcohol testing.	VII.I.
X	<input type="checkbox"/>	31	The program by statute has a presumed length of formal probation of 4-6 months.	
X	<input type="checkbox"/>	32	The minimum length of the program complies with juvenile statutes.	
X	<input type="checkbox"/>	33	Unless a participant poses an immediate risk to public safety, detention sanctions are administered after less severe consequences have been ineffective at deterring infractions.	IV.J.
X	<input type="checkbox"/>	34	Participants are not terminated from the Mental Health Court for continued substance use if they are otherwise compliant with their treatment and supervision conditions, unless they are non-amenable to the treatments that are reasonably available in their community.	IV.K.
X	<input type="checkbox"/>	35	If a participant is terminated from the Mental Health Court because adequate treatment is not available, the participant does not receive an augmented sentence or disposition for failing to complete the program.	IV.K.
X	<input type="checkbox"/>	36	Participants are not incarcerated to achieve clinical or social service objectives such as obtaining access to detoxification services or sober living quarters.	V.B.
X	<input type="checkbox"/>	37	Treatment providers are licensed or certified to deliver mental health treatment, as required by the Department of Human Services or another relevant licensure or certification entity.	V.H.*
X	<input type="checkbox"/>	38	Participants complete a final phase of the Mental Health Court focusing on relapse prevention and continuing care.	V.J.
X	<input type="checkbox"/>	39	Participants are not excluded from participation in Mental Health Court because they lack a stable place of residence.	VI.D.
X	<input type="checkbox"/>	40	Participants diagnosed with mental illness receive appropriate mental health services beginning in the first phase of Mental Health Court and continuing as needed throughout their enrollment in the program.	VI.E.*
X	<input type="checkbox"/>	41	Participants are not required to participate in job seeking or vocational skills development in the early phases of Mental Health Court.	VI.I.*
X	<input type="checkbox"/>	42	At a minimum, the prosecutor / assistant attorney general, defense counsel, treatment representative, JUVENILE PROBATION law-enforcement, guardian ad litem (in dependency courts), and the judge attend each staffing meeting.	VIII.B.*
X	<input type="checkbox"/>	43	At a minimum, the prosecutor/assistant attorney general, defense counsel, treatment representative, juvenile probation, guardian ad litem (in dependency courts), and the Judge attend each Mental health Court session.	VIII.A.*
X	<input type="checkbox"/>	44	Pre-court staff meetings are presumptively closed to participants and the public unless the court has good reason for a participant to attend discussions related to that participant's case.	VIII.B.
X	<input type="checkbox"/>	45	Participants provide voluntary and informed consent permitting team members to share specified data elements relating to participants' progress in treatment and compliance with program requirements.	VIII.C.

YES	NO	#	REQUIRED CERTIFICATION CRITERIA <i>Adherence to these standards is required for certification.</i>	BPS
X	<input type="checkbox"/>	46	Court fees are disclosed to each participant, are reasonable, and are based on each participant's ability to pay. Any fees assessed by the Mental health Court must be reasonably related to the costs of testing or other services.	
X	<input type="checkbox"/>	47	Treatment fees are based on a sliding fee schedule and are disclosed to each participant.	
X	<input type="checkbox"/>	48	The Mental Health Court develops a remedial action plan and timetable to implement recommendations from the evaluator to improve the program's adherence to best practices.	X.D.*
X	<input type="checkbox"/>	49	The Mental Health Court has written policies and procedures that ensure confidentiality and security of participant information, which conform to all applicable state and federal laws, including, but not limited to, Utah's Governmental Records Access and Management Act (GRAMA), the Health Insurance Portability and Accountability Act of 1996 (HIPAA), and 42 C.F.R. 2 (Confidentiality of Substance Abuse Disorder Patient Records).	VIII.C.*

YES	NO	#	PRESUMED CERTIFICATION CRITERIA <i>There is a presumption that these standards must be met. If your program can show sufficient compensating measures, compliance with the standard may be waived.</i>	BPS
X	<input type="checkbox"/>	1	Eligibility and exclusion criteria are communicated to potential referral sources.	I.A.
X	<input type="checkbox"/>	2	The Mental Health Court regularly monitors the delivery of incentives and sanctions to ensure they are administered equivalently to all participants.	II.D.
X	<input type="checkbox"/>	3	Each member of the Mental Health Court team attends up-to-date training events on recognizing implicit cultural biases and correcting disparate impacts for members of historically disadvantaged groups.	II.F.
X	<input type="checkbox"/>	4	The Mental Health Court Judge attends current training events on legal and constitutional issues in Mental Health Courts, judicial ethics, evidence-based substance abuse and mental health treatment, behavior modification, and community supervision.	III.A.
X	<input type="checkbox"/>	5	The Judge presides over the Mental Health Court for no less than two consecutive years.	III.B.
X	<input type="checkbox"/>	6	The Judge spends an average of at least three minutes with each participant.	III.F.*
X	<input type="checkbox"/>	7	The Mental Health Court team relies on expert medical input to determine whether a prescription for an addictive or intoxicating medication is medically indicated and whether non-addictive, non-intoxicating, and medically safe alternative treatments are available.	IV.F.
X	<input type="checkbox"/>	8	Phase promotion is predicated on the achievement of realistic and defined behavioral objectives, such as completing a treatment regimen or remaining drug-abstinent for a specified period of time.	IV.I.
X	<input type="checkbox"/>	9	Treatment is reduced only if it is determined clinically that a reduction in treatment is unlikely to precipitate a relapse to substance use.	IV.I.
X	<input type="checkbox"/>	10	If testing is required, testing regimens are not scheduled in seven-day or weekly blocks. The chances of being tested should be at least two in seven every day.	VII.B.*
X	<input type="checkbox"/>	11	Drug test results are available within 48 hours.	VII.H.
X	<input type="checkbox"/>	12	Participants are required to deliver a test specimen within 8 hours of being notified that a drug or alcohol test has been scheduled.	VII.B.

YES	NO	#	<b>PRESUMED CERTIFICATION CRITERIA</b> <i>There is a presumption that these standards must be met. If your program can show sufficient compensating measures, compliance with the standard may be waived.</i>	BPS
X	<input type="checkbox"/>	13	Randomly selected specimens are tested periodically for a broader range of substances to detect any new drugs of abuse that might be emerging in the Mental Health Court population.	VII.D.
X	<input type="checkbox"/>	14	If a participant denies substance use in response to a positive screening test, a portion of the same specimen is subjected to confirmatory analysis using an instrumented test, such as gas chromatography/mass spectrometry (GC/MS).	VII.G.
X	<input type="checkbox"/>	15	Standardized patient placement criteria govern the level of care that is provided.	V.A.
X	<input type="checkbox"/>	16	Adjustments to the level of care are predicated on each participant's response to treatment and are not tied to the Mental health Court's programmatic phase structure.	V.A.
X	<input type="checkbox"/>	17	Participants who have a history of drug abuse receive a sufficient dosage and duration of substance abuse treatment to achieve long-term sobriety and recovery from addiction.	V.D.
X	<input type="checkbox"/>	18	Participants meet with a court manager/juvenile probation officer until formally enrolled in treatment.	V.E.
X	<input type="checkbox"/>	19	Participants are screened for their suitability for group interventions, and group membership is guided by evidence-based selection criteria including participants' gender, trauma histories and co-occurring psychiatric symptoms.	V.E.
X	<input type="checkbox"/>	20	When necessary, treatment providers administer behavioral or cognitive-behavioral treatments that are documented in manuals and have been demonstrated to improve outcomes for a juvenile with a mental health diagnosis diagnosed involved in the criminal justice system.	V.F. VI.G
X	<input type="checkbox"/>	21	Treatment providers are proficient at delivering the interventions and are supervised regularly to ensure continuous fidelity to the treatment models.	V.F.
X	<input type="checkbox"/>	22	Treatment providers are supervised regularly to ensure continuous fidelity to evidence-based practices.	V.H.
X	<input type="checkbox"/>	23	Participants prepare a continuing-care plan together with their counselor to ensure they continue to engage in pro-social activities after discharge from Mental Health Court.	V.J.
X	<input type="checkbox"/>	24	When appropriate participants are assessed using a validated instrument for trauma history, trauma-related symptoms, and posttraumatic stress disorder (PTSD).	VI.F.
X	<input type="checkbox"/>	25	All Mental Health Court team members, including court personnel and other criminal justice professionals, receive formal training on delivering trauma-informed services.	VI.F.
X	<input type="checkbox"/>	26	Clients are placed in the program within 50 days of eligibility screening.	
X	<input type="checkbox"/>	27	Team members are assigned to Mental Health Court for no less than two years.	
X	<input type="checkbox"/>	28	All team members use electronic communication to contemporaneously communicate about Mental Health Court issues.	
X	<input type="checkbox"/>	29	Subsequently, team members attend continuing education workshops on at least an annual basis to gain up-to-date knowledge about best practices on topics including substance abuse and mental health treatment, complementary treatment and social services, behavior modification, community supervision, drug and alcohol testing, team decision making, and constitutional and legal issues in Mental Health Courts.	VIII.F.
X	<input type="checkbox"/>	30	New staff hires receive a formal orientation training on the Mental Health Court model and best practices in Mental Health Courts as soon as practicable after assuming their position and attend annual continuing education workshops thereafter.	VIII.F.

YES	NO	#	<b>PRESUMED CERTIFICATION CRITERIA</b> <i>There is a presumption that these standards must be met. If your program can show sufficient compensating measures, compliance with the standard may be waived.</i>	<b>BPS</b>
X	<input type="checkbox"/>	31	The Mental health Court has no more than 15 active participants.	IX.A.*
X	<input type="checkbox"/>	32	The Mental health Court monitors its adherence to best practice standards on at least an annual basis, develops a remedial action plan and timetable to rectify deficiencies, and examines the success of the remedial actions.	X.A.
X	<input type="checkbox"/>	33	A skilled and independent evaluator examines the Mental health Court's adherence to best practices and participant outcomes no less frequently than every five years.	X.D.
X	<input type="checkbox"/>	34	Staff members are required to record information concerning the provision of services and in-program outcomes within forty-eight hours of the respective events.	X.G.
X	<input type="checkbox"/>	35	The program conducts an exit interview for self-improvement.	

YES	NO	#	<b>NON-CERTIFICATION-RELATED BEST PRACTICE STANDARDS</b> <i>These are best practice standards that research has shown will produce better outcomes. Failure to meet these standards will not result in decertification.</i>	<b>BPS</b>
X	<input type="checkbox"/>	1	Treatment groups ordinarily have no more than twelve participants and at least two leaders or facilitators.	V.E.
X	<input type="checkbox"/>	2	Treatment providers have substantial experience working with criminal justice populations.	V.H.
X	<input type="checkbox"/>	3	For at least the first ninety days after discharge from the Mental Health Court, treatment providers or clinical case managers attempt to contact previous participants periodically by telephone, mail, e-mail, or similar means to check on their progress, offer brief advice and encouragement, and provide referrals for additional treatment when indicated.	V.J.
X	<input type="checkbox"/>	4	Participants are assessed using a validated instrument for major mental health disorders that co-occur frequently in Mental Health Courts, including major depression, bipolar disorder (manic depression), posttraumatic stress disorder (PTSD), and other major anxiety disorders.	VI.E.
X	<input type="checkbox"/>	5	Participants with PTSD or severe trauma-related symptoms are evaluated for their suitability for group interventions and are treated on an individual basis or in small groups when necessary to manage panic, dissociation, or severe anxiety.	VI.F.
X	<input type="checkbox"/>	6	Female participants receive trauma-related services in gender-specific groups.	VI.F.
X	<input type="checkbox"/>	7	Participants are required to have a stable job, be enrolled in a vocational or educational program, or be engaged in comparable pro-social activity as a condition of graduating from Mental Health Court.	VI.I.
X	<input type="checkbox"/>	8	Participants receive immediate medical or dental treatment for conditions that are life-threatening, cause serious pain or discomfort, or may lead to long-term disability or impairment.	VI.J.
<input type="checkbox"/>	X	9	Before starting a Mental Health Court, team members attend a formal pre-implementation training to learn from expert faculty about best practices in Mental Health Courts and develop fair and effective policies and procedures for the program.	VIII.F.
X	<input type="checkbox"/>	10	Supervision caseloads do not exceed fifty active participants per supervision officer.	IX.B.
X	<input type="checkbox"/>	11	Caseloads for clinicians must permit sufficient opportunities to assess participant needs and deliver adequate and effective dosages of substance abuse treatment and indicated complementary services.	IX.C.



YES	NO	#	NON-CERTIFICATION-RELATED BEST PRACTICE STANDARDS <i>These are best practice standards that research has shown will produce better outcomes. Failure to meet these standards will not result in decertification.</i>	BPS
X	<input type="checkbox"/>	12	The Mental Health Court continually monitors participant outcomes during enrollment in the program, including attendance at scheduled appointments, drug and alcohol test results, graduation rates, lengths of stay, and in-program technical violations and new arrests or referrals.	X.B.*
<input type="checkbox"/>	X	13	Information relating to the services provided and participants' in-program performance is entered into an electronic database. Statistical summaries from the database provide staff with real-time information concerning the Mental Health Court's adherence to best practices and in-program outcomes.	X.F.
X	<input type="checkbox"/>	14	Outcomes are examined for all eligible participants who entered the Mental Health Court regardless of whether they graduated, withdrew, or were terminated from the program.	X.H.
X	<input type="checkbox"/>	15	The Mental Health Court regularly monitors whether members of historically disadvantaged groups complete the program at equivalent rates to other participants.	II.B. X.E.



# Administrative Office of the Courts

Chief Justice Matthew B. Durrant  
Utah Supreme Court  
Chair, Utah Judicial Council

May 5, 2025

Ronald B. Gordon, Jr.  
State Court Administrator  
Neira Siaperas  
Deputy State Court Administrator

## MEMORANDUM

**TO: Management Committee, Judicial Council**

**FROM: Cris Seabury Statewide Treatment Court Certification Coordinator**  
**Katy Burke, Statewide Treatment Court Coordinator**

**RE: Treatment Court Certification - Recommendations**

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According to UCJA [Rule 4-409](#) Council Approval of Problem-Solving Courts, each problem-solving court must be considered for certification by the Judicial Council every two years. Prior to submitting certification recommendations to the Judicial Council, Cris Seabury, the Statewide Treatment Court Certification Coordinator, conducts site visits with each court to observe the pre-court staff meeting, treatment court hearings, and to interview each treatment court team member. The certification coordinator also reviews the certification checklist approved by the Judicial Council, staffing documents and the policy and procedure manuals for each treatment court. The certification coordinator completes a jurisdiction report for each Court which includes the strengths, recommendations and resources identified through the certification process.

**Second District - Weber County - Judge Rick Westmoreland Family Recovery Court.** Based on the courts' answers on the certification checklist, team member interviews, and court observation the Statewide Treatment Court Certification Coordinator recommends the Judicial Council certify the Second District Weber County Family Recovery Court.

**REQUIRED CERTIFICATION CRITERIA:** The court meets all required certification criteria.

**PRESUMED CERTIFICATION CRITERIA:**

**#11. Drug test results are available within 48 hours.** The team put a check mark between yes/no. Weber Human Services confirmed that if a drug test is performed on the weekend it is not sent to the lab until the following Monday but most results are available within 48 hours.

The mission of the Utah judiciary is to provide the people an open, fair,  
efficient, and independent system for the advancement of justice under the law.

**#30. Clients are placed in the program within 50 days of arrest.** The team checked no as this is not applicable for Family Treatment Courts. There is 60 days for adjudication in the petition and another 30 days for a disposition. Entry into the court directly relates to how quickly the petition adjudicates.

**#32. All team members use electronic communication to contemporaneously communicate about Family Dependency Court issues.** The team put a check mark between yes/no. There is communication between the team members but the Judge is not included in the correspondence. The Judicial Assistant will screen the emails and will inform the Judge if he needs to provide input.

**#37. New arrests, new convictions and new incarcerations are monitored for at least three years following each participant's entry into the Drug Court.** The team checked no as DCFS monitors new child welfare petitions. This criteria does not apply to Family Treatment Courts.

**NON-CERTIFICATION CRITERIA:** The court meets all non-certification criteria.

**UTAH JUDICIAL COUNCIL**  
**FAMILY DEPENDENCY COURT CERTIFICATION CHECKLIST**  
REVISED AND ADOPTED 2020

**COURT LOCATION:** 165 20th Street, Ogden, UT 84401

**JUDGE NAME:** Rick T. Westmoreland

**REVIEW DATE:** April 23, 2025

*Many of the criteria enumerated in this certification checklist are restatements of the Adult Drug Court Best Practice Standards, Volume I and Volume II, published by the National Association of Drug Court Professionals (NADCP). Those are indicated by a citation in the **BPS** column following the standard. An asterisk indicates a modification of the NADCP standard.*

YES	NO	#	REQUIRED CERTIFICATION CRITERIA <i>Adherence to these standards is required for certification.</i>	BPS
<input checked="" type="checkbox"/>	<input type="checkbox"/>	1	Eligibility and exclusion criteria are defined and applied objectively.	I.A.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	2	Eligibility and exclusion criteria are specified in writing.	I.A.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	3	The program admits only participants who are high-risk high-need as measured by the RANT or some other approved and validated assessment tool.	I.B.*
<input checked="" type="checkbox"/>	<input type="checkbox"/>	4	Candidates for the Family dependency court are assessed for eligibility using validated risk-assessment tool that has been demonstrated empirically to predict criminal recidivism or failure on community supervision and is equivalently predictive for women and racial or ethnic minority groups that are represented in the local arrestee population.	I.C.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	5	Candidates for the Family dependency court are assessed for eligibility using validated clinical-assessment tool that evaluates the formal diagnostic symptoms of substance dependence or addiction.	I.C.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	6	Evaluators are trained and proficient in the administration of the assessment tools and interpretation of the results.	I.C.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	7	Current or prior offenses may not disqualify candidates from participation in the Family dependency court unless empirical evidence demonstrates offenders with such records cannot be managed safely or effectively in a Family dependency court.	I.D.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	8	Offenders charged with non-drug charges, drug dealing or those with violence histories are not excluded automatically from participation in the Family dependency court.	I.D.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	9	If adequate treatment is available, candidates are not disqualified from participation in the Family dependency court because of co-occurring mental health or medical conditions or because they have been legally prescribed psychotropic or addiction medication.	I.E.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	10	The program has a written policy addressing medically assisted treatment.	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	11	Participants ordinarily appear before the same judge throughout their enrollment in the Family dependency court.	III.C.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	12	The judge regularly attends pre-court staff meetings during which each participant's progress is reviewed and potential consequences for performance are discussed by the Family dependency court team.	III.D.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	13	Participants appear before the judge for status hearings no less frequently than every two weeks during the first phase of the program. In rural areas, some allowance may be made for	III.E.

YES	NO	#	REQUIRED CERTIFICATION CRITERIA <i>Adherence to these standards is required for certification.</i>	BPS
			other appearances or administrative reviews when the judge is unavailable.	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	14	Status hearings are scheduled no less frequently than every four weeks until participants graduate. In rural areas, some allowance may be made for other appearances or administrative reviews when the judge is unavailable.	III.E.*
<input checked="" type="checkbox"/>	<input type="checkbox"/>	15	The judge allows participants a reasonable opportunity to explain their perspectives concerning factual controversies and the imposition of sanctions, incentives, and therapeutic adjustments.	III.G.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	16	If a participant has difficulty expressing him or herself because of such factors as a language barrier, nervousness, or cognitive limitation, the judge permits the participant's attorney or legal representative to assist in providing such explanations.	IV.B.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	17	The judge is the ultimate arbiter of factual controversies and makes the final decision concerning the imposition of incentives or sanctions that affect a participant's legal status or liberty.	III.H. VIII.D.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	18	The judge makes these decisions after taking into consideration the input of other Family dependency court team members and discussing the matter in court with the participant or the participant's legal representative.	III.H. VIII.D.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	19	The judge relies on the expert input of duly trained treatment professionals when imposing treatment-related conditions.	III.H.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	20	Policies and procedures concerning the administration of incentives, sanctions, and therapeutic adjustments are specified in writing and communicated in advance to Family dependency court participants and team members.	IV.A.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	21	The policies and procedures provide a clear indication of which behaviors may elicit an incentive, sanction, or therapeutic adjustment; the range of consequences that may be imposed for those behaviors; the criteria for phase advancement, graduation, and termination from the program; and the legal and collateral consequences that may ensue from graduation and termination.	IV.A.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	22	The Family dependency court has a range of sanctions of varying magnitudes that may be administered in response to infractions in the program.	IV.E.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	23	For goals that are difficult for participants to accomplish, such as abstaining from substance use or obtaining employment, the sanctions increase progressively in magnitude over successive infractions. For goals that are relatively easy for participants to accomplish, such as being truthful or attending counseling sessions, higher magnitude sanctions may be administered after only a few infractions.	IV.E.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	24	Consequences are imposed for the non-medically indicated use of intoxicating or addictive substances, including but not limited to alcohol, cannabis (marijuana) and prescription medications, regardless of the licit or illicit status of the substance.	IV.F.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	25	Drug testing is performed at least twice per week.	VII.A.*
<input checked="" type="checkbox"/>	<input type="checkbox"/>	26	Drug testing is random, and is available on weekends and holidays.	VII.B.*
<input checked="" type="checkbox"/>	<input type="checkbox"/>	27	Collection of test specimens is witnessed and specimens are examined routinely for evidence of dilution, tampering and adulteration.	VII.E* VII.F.*
<input checked="" type="checkbox"/>	<input type="checkbox"/>	28	Drug testing utilized by the Family dependency court uses scientifically valid and reliable testing procedures and establishes a chain of custody for each specimen.	VII.G.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	29	Metabolite levels falling below industry- or manufacturer-recommended cutoff scores are not interpreted as evidence of new substance use or changes in substance use patterns, unless	VII.G.*



YES NO

#	REQUIRED CERTIFICATION CRITERIA <i>Adherence to these standards is required for certification.</i>	BPS
	such conclusions are reached by an expert trained in toxicology, pharmacology or a related field.	
<input checked="" type="checkbox"/> <input type="checkbox"/>	30 Upon entering the Family dependency court, participants receive a clear and comprehensive explanation of their rights and responsibilities relating to drug and alcohol testing.	VII.I.
<input checked="" type="checkbox"/> <input type="checkbox"/>	31 The program requires a period of at least 90 consecutive days drug-free to graduate.	
<input checked="" type="checkbox"/> <input type="checkbox"/>	32 The minimum length of the program is twelve months.	
<input checked="" type="checkbox"/> <input type="checkbox"/>	33 Unless a participant poses an immediate risk to public safety, jail sanctions are administered after less severe consequences have been ineffective at deterring infractions.	IV.J.
<input checked="" type="checkbox"/> <input type="checkbox"/>	34 Jail sanctions are definite in duration and typically last no more than three to five days.	IV.J.
<input checked="" type="checkbox"/> <input type="checkbox"/>	35 Participants are given access to counsel and a fair hearing if a jail sanction might be imposed.	IV.J.
<input checked="" type="checkbox"/> <input type="checkbox"/>	36 Participants are not terminated from the Family dependency court for continued substance use if they are otherwise compliant with their treatment and supervision conditions, unless they are non-amenable to the treatments that are reasonably available in their community.	IV.K.
<input checked="" type="checkbox"/> <input type="checkbox"/>	37 If a participant is terminated from the Family dependency court because adequate treatment is not available, the participant does not receive an augmented sentence or disposition for failing to complete the program.	IV.K.
<input checked="" type="checkbox"/> <input type="checkbox"/>	38 Participants are not incarcerated to achieve clinical or social service objectives such as obtaining access to detoxification services or sober living quarters.	V.B.
<input checked="" type="checkbox"/> <input type="checkbox"/>	39 Treatment providers are licensed or certified to deliver substance abuse treatment, as required by the Department of Human Services or other relevant licensure or certification entity.	V.H.*
<input checked="" type="checkbox"/> <input type="checkbox"/>	40 Participants regularly attend self-help or peer support groups in addition to professional counseling.	V.I.
<input checked="" type="checkbox"/> <input type="checkbox"/>	41 The peer support groups follow a structured model or curriculum such as the 12-step or Smart Recovery models.	V.I.
<input checked="" type="checkbox"/> <input type="checkbox"/>	42 There is a secular alternative to 12-step peer support groups.	
<input checked="" type="checkbox"/> <input type="checkbox"/>	43 Participants complete a final phase of the Family dependency court focusing on relapse prevention and continuing care.	V.J.
<input checked="" type="checkbox"/> <input type="checkbox"/>	44 Participants are not excluded from participation in Family dependency court because they lack a stable place of residence.	VI.D.
<input checked="" type="checkbox"/> <input type="checkbox"/>	45 Participants diagnosed with mental illness receive appropriate mental health services beginning in the first phase of Family dependency court and continuing as needed throughout their enrollment in the program.	VI.E.*
<input checked="" type="checkbox"/> <input type="checkbox"/>	46 Participants are not required to participate in job seeking or vocational skills development in the early phases of family dependency court.	VI.I.*
<input checked="" type="checkbox"/> <input type="checkbox"/>	47 At a minimum, the prosecutor / assistant attorney general, defense counsel, treatment representative, law enforcement, a guardian ad litem and DCFS caseworker (in family dependency courts), and the judge attend each staffing meeting.	VIII.B.*
<input checked="" type="checkbox"/> <input type="checkbox"/>	48 At a minimum, the prosecutor / assistant attorney general, defense counsel, treatment representative, law enforcement, a guardian ad litem and DCFS caseworker (in family dependency courts), and the judge attend each Family dependency court session.	VIII.A.*

YES	NO	#	REQUIRED CERTIFICATION CRITERIA <i>Adherence to these standards is required for certification.</i>	BPS
<input checked="" type="checkbox"/>	<input type="checkbox"/>	49	Pre-court staff meetings are presumptively closed to participants and the public unless the court has good reason for a participant to attend discussions related to that participant's case.	VIII.B.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	50	Participants provide voluntary and informed consent permitting team members to share specified data elements relating to participants' progress in treatment and compliance with program requirements.	VIII.C.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	51	Court fees are disclosed to each participant, are reasonable, and are based on each participant's ability to pay. Any fees assessed by the Family dependency court must be reasonably related to the costs of testing or other services.	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	52	Treatment fees are based on a sliding fee schedule and are disclosed to each participant.	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	53	The Family dependency court develops a remedial action plan and timetable to implement recommendations from the evaluator to improve the program's adherence to best practices.	X.D.*
<input checked="" type="checkbox"/>	<input type="checkbox"/>	54	The Family dependency court has written policies and procedures that ensure confidentiality and security of participant information, which conform to all applicable state and federal laws, including, but not limited to, Utah's Governmental Records Access and Management Act (GRAMA), the Health Insurance Portability and Accountability Act of 1996 (HIPAA), and 42 C.F.R. 2 (Confidentiality of Substance Abuse Disorder Patient Records).	VIII.C.*

YES	NO	#	PRESUMED CERTIFICATION CRITERIA <i>There is a presumption that these standards must be met. If your program can show sufficient compensating measures, compliance with the standard may be waived.</i>	BPS
<input checked="" type="checkbox"/>	<input type="checkbox"/>	1	Eligibility and exclusion criteria are communicated to potential referral sources.	I.A.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	2	The Family dependency court regularly monitors the delivery of incentives and sanctions to ensure they are administered equivalently to all participants.	II.D.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	3	Each member of the Family dependency court team attends up-to-date training events on recognizing implicit cultural biases and correcting disparate impacts for members of historically disadvantaged groups.	II.F.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	4	The Family dependency court judge attends current training events on legal and constitutional issues in Family dependency courts, judicial ethics, evidence-based substance abuse and mental health treatment, behavior modification, and community supervision.	III.A.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	5	The judge presides over the Family dependency court for no less than two consecutive years.	III.B.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	6	The Judge spends an average of at least three minutes with each participant.	III.F.*
<input checked="" type="checkbox"/>	<input type="checkbox"/>	7	The Family dependency court team relies on expert medical input to determine whether a prescription for an addictive or intoxicating medication is medically indicated and whether non-addictive, non-intoxicating, and medically safe alternative treatments are available.	IV.F.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	8	Phase promotion is predicated on the achievement of realistic and defined behavioral objectives, such as completing a treatment regimen or remaining drug-abstinent for a specified period of time.	IV.I.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	9	Treatment is reduced only if it is determined clinically that a reduction in treatment is unlikely to precipitate a relapse to substance use.	IV.I.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	10	Testing regimens are not scheduled in seven-day or weekly blocks. The chances of being tested should be at least two in seven every day.	VII.B.*

YES NO

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#	<b>PRESUMED CERTIFICATION CRITERIA</b> <i>There is a presumption that these standards must be met. If your program can show sufficient compensating measures, compliance with the standard may be waived.</i>	<b>BPS</b>
11	Drug test results are available within 48 hours.	VII.H.
12	Participants are required to deliver a test specimen within 8 hours of being notified that a drug or alcohol test has been scheduled.	VII.B.
13	Randomly selected specimens are tested periodically for a broader range of substances to detect any new drugs of abuse that might be emerging in the Family dependency court population.	VII.D.
14	If a participant denies substance use in response to a positive screening test, a portion of the same specimen is subjected to confirmatory analysis using an instrumented test, such as gas chromatography/mass spectrometry (GC/MS).	VII.G.
15	Standardized patient placement criteria govern the level of care that is provided.	V.A.
16	Adjustments to the level of care are predicated on each participant's response to treatment and are not tied to the Family dependency court's programmatic phase structure.	V.A.
17	Participants receive a sufficient dosage and duration of substance abuse treatment to achieve long-term sobriety and recovery from addiction.	V.D.
18	Participants meet with a treatment provider or clinical case manager for at least one individual session per week during the first phase of the program.	V.E.
19	Participants are screened for their suitability for group interventions, and group membership is guided by evidence-based selection criteria including participants' gender, trauma histories and co-occurring psychiatric symptoms.	V.E.
20	Treatment providers administer behavioral or cognitive-behavioral treatments that are documented in manuals and have been demonstrated to improve outcomes for addicted persons involved in the criminal justice system.	V.F. VI.G
21	Treatment providers are proficient at delivering the interventions and are supervised regularly to ensure continuous fidelity to the treatment models.	V.F.
22	Treatment providers are supervised regularly to ensure continuous fidelity to evidence-based practices.	V.H.
23	Before participants enter the peer support groups, treatment providers use an evidence-based preparatory intervention, such as 12-step facilitation therapy.	V.I.
24	Participants prepare a continuing-care plan together with their counselor to ensure they continue to engage in pro-social activities and remain connected with a peer support group after their discharge from the Family dependency court.	V.J.
25	Where indicated, participants receive assistance finding safe, stable, and drug-free housing beginning in the first phase of Family dependency court and continuing as necessary throughout their enrollment in the program.	VI.D.
26	Participants are assessed using a validated instrument for trauma history, trauma-related symptoms, and posttraumatic stress disorder (PTSD).	VI.F.
27	All Family dependency court team members, including court personnel and other criminal justice professionals, receive formal training on delivering trauma-informed services.	VI.F.
28	Participants with deficient employment or academic histories receive vocational or educational services beginning in a late phase of Family dependency court.	VI.I.
29	Participants complete a brief evidence-based educational curriculum describing concrete measures they can take to prevent or reverse drug overdose.	VI.L.

YES	NO	#	<b>PRESUMED CERTIFICATION CRITERIA</b> <i>There is a presumption that these standards must be met. If your program can show sufficient compensating measures, compliance with the standard may be waived.</i>	BPS
<input type="checkbox"/>	<input checked="" type="checkbox"/>	30	Clients are placed in the program within 50 days of arrest.	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	31	Team members are assigned to Family dependency court for no less than two years.	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	32	All team members use electronic communication to contemporaneously communicate about Family dependency court issues.	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	33	Subsequently, team members attend continuing education workshops on at least an annual basis to gain up-to-date knowledge about best practices on topics including substance abuse and mental health treatment, complementary treatment and social services, behavior modification, community supervision, drug and alcohol testing, team decision making, and constitutional and legal issues in Family dependency courts.	VIII.F.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	34	New staff hires receive a formal orientation training on the Family dependency court model and best practices in Family dependency courts as soon as practicable after assuming their position and attend annual continuing education workshops thereafter.	VIII.F.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	35	The Family dependency court has more than 15 but less than 125 active participants.	IX.A.*
<input checked="" type="checkbox"/>	<input type="checkbox"/>	36	The Family dependency court monitors its adherence to best practice standards on at least an annual basis, develops a remedial action plan and timetable to rectify deficiencies, and examines the success of the remedial actions.	X.A.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	37	New arrests, new convictions, and new incarcerations are monitored for at least three years following each participant's entry into the Family dependency court.	X.C.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	38	A skilled and independent evaluator examines the Family dependency court's adherence to best practices and participant outcomes no less frequently than every five years.	X.D.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	39	Staff members are required to record information concerning the provision of services and in-program outcomes within forty-eight hours of the respective events.	X.G.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	40	The program conducts an exit interview for self-improvement.	

YES	NO	#	<b>NON-CERTIFICATION-RELATED BEST PRACTICE STANDARDS</b> <i>These are best practice standards that research has shown will produce better outcomes. Failure to meet these standards will not result in decertification.</i>	BPS
<input checked="" type="checkbox"/>	<input type="checkbox"/>	1	The Family dependency court offers a continuum of care for substance abuse treatment including detoxification, residential, sober living, day treatment, intensive outpatient and outpatient services.	V.A.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	2	Treatment groups ordinarily have no more than twelve participants and at least two leaders or facilitators.	V.E.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	3	Treatment providers have substantial experience working with criminal justice populations.	V.H.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	4	For at least the first ninety days after discharge from the Family dependency court, treatment providers or clinical case managers attempt to contact previous participants periodically by telephone, mail, e-mail, or similar means to check on their progress, offer brief advice and encouragement, and provide referrals for additional treatment when indicated.	V.J.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	5	Participants are assessed using a validated instrument for major mental health disorders that co-occur frequently in Family dependency courts, including major depression, bipolar disorder (manic depression), posttraumatic stress disorder (PTSD), and other major anxiety disorders.	VI.E.

YES	NO	<b>NON-CERTIFICATION-RELATED BEST PRACTICE STANDARDS</b> <i>These are best practice standards that research has shown will produce better outcomes. Failure to meet these standards will not result in decertification.</i>		BPS
<input checked="" type="checkbox"/>	<input type="checkbox"/>	6	Participants with PTSD or severe trauma-related symptoms are evaluated for their suitability for group interventions and are treated on an individual basis or in small groups when necessary to manage panic, dissociation, or severe anxiety.	VI.F.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	7	Female participants receive trauma-related services in gender-specific groups.	VI.F.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	8	Participants are required to have a stable job, be enrolled in a vocational or educational program, or be engaged in comparable pro-social activity as a condition of graduating from Family dependency court.	VI.I.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	9	Participants receive immediate medical or dental treatment for conditions that are life-threatening, cause serious pain or discomfort, or may lead to long-term disability or impairment.	VI.J.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	10	Before starting a Family dependency court, team members attend a formal pre-implementation training to learn from expert faculty about best practices in Family dependency courts and develop fair and effective policies and procedures for the program.	VIII.F.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	11	Supervision caseloads do not exceed fifty active participants per supervision officer.	IX.B.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	12	Caseloads for clinicians must permit sufficient opportunities to assess participant needs and deliver adequate and effective dosages of substance abuse treatment and indicated complementary services.	IX.C.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	13	The Family dependency court continually monitors participant outcomes during enrollment in the program, including attendance at scheduled appointments, drug and alcohol test results, graduation rates, lengths of stay, and in-program technical violations and new arrests or referrals.	X.B.*
<input checked="" type="checkbox"/>	<input type="checkbox"/>	14	Information relating to the services provided and participants' in-program performance is entered into an electronic database. Statistical summaries from the database provide staff with real-time information concerning the Family dependency court's adherence to best practices and in-program outcomes.	X.F.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	15	Outcomes are examined for all eligible participants who entered the Family dependency court regardless of whether they graduated, withdrew, or were terminated from the program.	X.H.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	16	The Family dependency court regularly monitors whether members of historically disadvantaged groups complete the program at equivalent rates to other participants.	II.B. X.E.





# Administrative Office of the Courts

Chief Justice Matthew B. Durrant  
Utah Supreme Court  
Chair, Utah Judicial Council

May 5, 2025

Ronald B. Gordon, Jr.  
State Court Administrator  
Neira Siaperas  
Deputy State Court Administrator

## MEMORANDUM

**TO: Management Committee, Judicial Council**

**FROM: Cris Seabury Statewide Treatment Court Certification Coordinator  
Katy Burke, Statewide Treatment Court Coordinator**

**RE: Treatment Court Certification - Recommendations**

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According to UCJA [Rule 4-409](#) Council Approval of Problem-Solving Courts, each problem-solving court must be considered for certification by the Judicial Council every two years. Prior to submitting certification recommendations to the Judicial Council, Cris Seabury, the Statewide Treatment Court Certification Coordinator, conducts site visits with each court to observe the pre-court staff meeting, treatment court hearings, and to interview each treatment court team member. The certification coordinator also reviews the certification checklist approved by the Judicial Council, staffing documents and the policy and procedure manuals for each treatment court. The certification coordinator completes a jurisdiction report for each Court which includes the strengths, recommendations and resources identified through the certification process.

**Fourth District - Utah County - Judge F. Richards Smith III Juvenile Behavioral Health Court.** Based on the courts' answers on the certification checklist, team member interviews, and court observation the Statewide Treatment Court Certification Coordinator recommends the Judicial Council certify the Fourth District Utah County Juvenile Behavioral Health Court.

### **REQUIRED CERTIFICATION CRITERIA:**

**#3. The program admits only participants who are high-risk, high-need, however, if a program is unable to target high risk and high need offenders as measured by the RANT or some other approved and validated assessment tool, the program develops alternative tracks with services that are modified to meet risk and need levels of its participants.** The team checked "yes" but wrote "can we discuss". Juvenile Treatment Courts serve moderate to high risk populations. The probation department screens potential participants using the Pre

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efficient, and independent system for the advancement of justice under the law.

Screening Risk Assessment (PSRA) and the Protective and Risk Assessment (PRA). The mental health screening is completed by Wasatch Behavioral Health.

**#10. The program has a written policy addressing medically assisted treatment.** There is only one medically assisted treatment that is FDA approved for children under the age of 18. A participant meets with their primary care doctor and, if deemed necessary, is prescribed medications to assist in managing their mental health. The Judge orders participants to comply with the recommendations from their medical provider.

#### **PRESUMED CERTIFICATION CRITERIA:**

**#5. The Mental Health Court team relies on expert medical input to determine whether a prescription for an addictive or intoxicating medication is medically indicated and whether non-addictive, non-intoxicating, and medically safe alternative treatments are available.** This is not applicable for Juvenile Treatment Courts.

**#12 Participants are required to deliver a test specimen within 8 hours of being notified that a drug or alcohol test has been scheduled.** The team wrote “can we discuss” and it was determined that the team checked no incorrectly. There is a standing order that participants can be drug tested if the team deems necessary. The court has a contract with a CLIA certified lab and additional drug tests can be completed by probation that provide immediate results. If a participant has a dual diagnosis they are moved into Juvenile Recovery Court.

**#23. Participants prepare a continuing-care plan together with their counselor to ensure they continue to engage in pro-social activities after discharge from Mental Health Court.** The team did not check yes or no. A participant is required to meet with their therapist and complete a project before advancing to the next phase. Upon commencement, participants are kept on probation for an additional 90 days to ensure that the individuals have a warm hand off as they transition.

**#24. When appropriate, participants are assessed using a validated instrument for trauma history, trauma-related symptoms, and posttraumatic stress disorder (PTSD).**

The team did not check yes or no. It was determined that the treatment providers use a validated instrument to assess participants. The Trust-Based Relational Intervention (TBRI) has been taught in the courtroom to both participants and parents.

**#34. Staff members are required to record information concerning the provision of services and in-program outcomes within forty-eight hours of the respective events.** The team did not check yes or no. It was determined that each stakeholder has their own spreadsheet that they update. The victim coordinator takes notes of what has occurred during the staffing and court hearings. The information is uploaded into a Good Drive folder that the team can access.

## **NON-CERTIFICATION CRITERIA:**

**#6 Female participants receive trauma-related services in gender-specific groups.** The team checked no incorrectly. There are groups at Wasatch Behavioral Health but not at Come About Youth Services, as they do not have enough participants. Participants receive trauma-related services in individual therapy sessions.

**#7. Participants are required to have a stable job, be enrolled in a vocational or educational program, or be engaged in comparable pro-social activity as a condition of graduating from Mental Health Court.** The team checked no incorrectly. The participants are not required to be employed but it is mandatory that they attend school and are encouraged to engage in pro-social activities.

**#8. Participants receive immediate medical or dental treatment for conditions that are life-threatening, cause serious pain or discomfort, or may lead to long-term disability or impairment.** The team checked no incorrectly. The parents or legal guardians take care of all medical needs. The Judge will order a family to take their child to a physician if there are concerns of medical neglect or if a medication adjustment is needed.

**#9. Before starting a Mental Health Court, team members attend a formal pre-implementation training to learn from expert faculty about best practices in Mental Health Courts and develop fair and effective policies and procedures for the program.** The team checked no incorrectly. The team completes yearly training that their agency requires and attends both state and national conferences. The team shares resources during the quarterly executive meetings and makes revisions to the policy and procedures manual as needed.

**#15. The Mental Health Court regularly monitors whether members of historically disadvantaged groups complete the program at equivalent rates to other participants.** The team checked no incorrectly. Interpreters are available for parents and family members during court hearings, appointments with probation and/or treatment. The team tracks data points such as race/ethnicity and the same services are provided to each participant.

**UTAH JUDICIAL COUNCIL**  
**JUVENILE MENTAL HEALTH COURT CERTIFICATION CHECKLIST**  
 REVISED AND ADOPTED 2023-

COURT LOCATION: 4th District, Provo, Utah  
 COURT NUMBER: \_\_\_\_\_  
 NAME: Behavioral Health Court  
 REVIEW DATE: April 17, 2025

Many of the criteria enumerated in this certification checklist are restatements of the Adult Drug Court Best Practice Standards, Volume I and Volume II, published by the National Association of Drug Court Professionals (NADCP). Those are indicated by a citation in the BPS column following the standard. An asterisk indicates a modification of the NADCP standard.

YES	NO	#	REQUIRED CERTIFICATION CRITERIA <i>Adherence to these standards is required for certification.</i>	BPS
<input checked="" type="checkbox"/>	<input type="checkbox"/>	1	Eligibility and exclusion criteria are defined and applied objectively.	I.A.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	2	Eligibility and exclusion criteria are specified in writing.	I.A.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	3	The program admits only participants who are high-risk, high-need, however, if a program is unable to target high risk and high need offenders as measured by the RANT or some other approved and validated assessment tool, the program develops alternative tracks with services that are modified to meet risk and need levels of its participants.	I.B.*
<input checked="" type="checkbox"/>	<input type="checkbox"/>	4	Candidates for the Mental health Court are assessed for eligibility using validated risk-assessment tool that has been demonstrated empirically to predict criminal recidivism or failure on community supervision and is equivalently predictive for women and racial or ethnic minority groups that are represented in the local arrestee population.	I.C.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	5	Candidates for the Mental health Court are assessed for eligibility using validated clinical-assessment tool that evaluates the formal diagnostic symptoms.	I.C.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	6	Evaluators are trained and proficient in the administration of the assessment tools and interpretation of the results.	I.C.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	7	Current or prior offenses may not disqualify candidates from participation in the Mental health Court unless empirical evidence demonstrates offenders with such records cannot be managed safely or effectively in a Mental health Court.	I.D.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	8	Offenders charged with non-drug charges, drug dealing or those with violence histories are not excluded automatically from participation in the Mental health Court.	I.D.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	9	If adequate treatment is available, candidates are not disqualified from participation in the Mental health Court because of co-occurring mental health or medical conditions or because they have been legally prescribed psychotropic or addiction medication.	I.E.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	10	The program has a written policy addressing medically assisted treatment.	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	11	Participants ordinarily appear before the same judge throughout their enrollment in the Mental health Court.	III.C.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	12	The judge regularly attends pre-court staff meetings during which each participant's progress is reviewed and potential consequences for performance are discussed by the Mental health Court team.	III.D.

Can we assess?

<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>
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<input checked="" type="checkbox"/>	<input type="checkbox"/>

13	Participants appear before the Judge for status hearings no less frequently than every two weeks during the first phase of the program. In rural areas, some allowance may be made for other appearances or administrative reviews when the Judge is unavailable.	III.E.
14	Status hearings are scheduled no less frequently than every four weeks until participants graduate. In rural areas, some allowance may be made for other appearances or administrative reviews when the Judge is unavailable.	III.E.*
15	The Judge allows participants a reasonable opportunity to explain their perspectives concerning factual controversies and the imposition of sanctions, incentives, and therapeutic adjustments.	III.G.
16	If a participant has difficulty expressing him or herself because of such factors as a language barrier, nervousness, or cognitive limitation, the Judge permits the participant's attorney or legal representative to assist in providing such explanations.	IV.B.
17	The Judge is the ultimate arbiter of factual controversies and makes the final decision concerning the imposition of incentives or sanctions that affect a participant's legal status or liberty.	III.H. VIII.D.
18	The Judge makes these decisions after taking into consideration the input of other Mental Health Court team members and discussing the matter in court with the participant or the participant's legal representative.	III.H. VIII.D.
19	The Judge relies on the expert input of duly trained treatment professionals when imposing treatment-related conditions.	III.H.
20	Policies and procedures concerning the administration of incentives, sanctions, and therapeutic adjustments are specified in writing and communicated in advance to Mental Health Court participants and team members.	IV.A.
21	The policies and procedures provide a clear indication of which behaviors may elicit an incentive, sanction, or therapeutic adjustment; the range of consequences that may be imposed for those behaviors; the criteria for phase advancement, graduation, and termination from the program; and the legal and collateral consequences that may ensue from graduation and termination.	IV.A.
22	The Juvenile Mental Health Court has a range of sanctions of varying magnitudes that may be administered in response to infractions in the program.	IV.E.
23	For goals that are difficult for participants to accomplish, such as abstaining from substance use or obtaining employment, the sanctions increase progressively in magnitude over successive infractions. For goals that are relatively easy for participants to accomplish, such as being truthful or attending counseling sessions, higher magnitude sanctions may be administered after only a few infractions.	IV.E.
24	Consequences are imposed for the non-medically indicated use of intoxicating or addictive substances, including but not limited to alcohol, cannabis (marijuana) and prescription medications, regardless of the licit or illicit status of the substance.	IV.F.
25	Drug testing is performed at least twice per week when a participant has a history of drug use.	VII.A.*
26	When necessary, drug testing is random, and is available on weekends and holidays.	VII.B.*
27	Collection of test specimens is witnessed and specimens are examined routinely for evidence of dilution, tampering and adulteration.	VII.E* VII.F.*
28	Drug testing utilized by the Mental Health Court uses scientifically valid and reliable testing procedures and establishes a chain of custody for each specimen.	VII.G.
29	Metabolite levels falling below industry- or manufacturer-recommended cutoff scores are not interpreted as evidence of new substance use or changes in substance use patterns, unless such conclusions are reached by an expert trained in toxicology, pharmacology or a related	VII.G.*



	field.	
<input checked="" type="checkbox"/> <input type="checkbox"/>	30 When appropriate, upon entering the Mental Health Court, participants receive a clear and comprehensive explanation of their rights and responsibilities relating to drug and alcohol testing.	VII.I.
<input checked="" type="checkbox"/> <input type="checkbox"/>	31 The program by statute has a presumed length of formal probation of 4-6 months.	
<input checked="" type="checkbox"/> <input type="checkbox"/>	32 The minimum length of the program complies with juvenile statutes.	
<input checked="" type="checkbox"/> <input type="checkbox"/>	33 Unless a participant poses an immediate risk to public safety, detention sanctions are administered after less severe consequences have been ineffective at deterring infractions.	IV.J.
<input checked="" type="checkbox"/> <input type="checkbox"/>	34 Participants are not terminated from the Mental Health Court for continued substance use if they are otherwise compliant with their treatment and supervision conditions, unless they are non-amenable to the treatments that are reasonably available in their community.	IV.K.
<input checked="" type="checkbox"/> <input type="checkbox"/>	35 If a participant is terminated from the Mental Health Court because adequate treatment is not available, the participant does not receive an augmented sentence or disposition for failing to complete the program.	IV.K.
<input checked="" type="checkbox"/> <input type="checkbox"/>	36 Participants are not incarcerated to achieve clinical or social service objectives such as obtaining access to detoxification services or sober living quarters.	V.B.
<input checked="" type="checkbox"/> <input type="checkbox"/>	37 Treatment providers are licensed or certified to deliver mental health treatment, as required by the Department of Human Services or another relevant licensure or certification entity.	V.H.*
<input checked="" type="checkbox"/> <input type="checkbox"/>	38 Participants complete a final phase of the Mental Health Court focusing on relapse prevention and continuing care.	V.J.
<input checked="" type="checkbox"/> <input type="checkbox"/>	39 Participants are not excluded from participation in Mental Health Court because they lack a stable place of residence.	VI.D.
<input checked="" type="checkbox"/> <input type="checkbox"/>	40 Participants diagnosed with mental illness receive appropriate mental health services beginning in the first phase of Mental Health Court and continuing as needed throughout their enrollment in the program.	VI.E.*
<input checked="" type="checkbox"/> <input type="checkbox"/>	41 Participants are not required to participate in job seeking or vocational skills development in the early phases of Mental Health Court.	VI.I.*
<input checked="" type="checkbox"/> <input type="checkbox"/>	42 At a minimum, the prosecutor / assistant attorney general, defense counsel, treatment representative, JUVENILE PROBATION law enforcement, guardian ad litem (in dependency courts), and the judge attend each staffing meeting.	VIII.B.*
<input checked="" type="checkbox"/> <input type="checkbox"/>	43 At a minimum, the prosecutor/assistant attorney general, defense counsel, treatment representative, juvenile probation, guardian ad litem (in dependency courts), and the Judge attend each Mental health Court session.	VIII.A.*
<input checked="" type="checkbox"/> <input type="checkbox"/>	44 Pre-court staff meetings are presumptively closed to participants and the public unless the court has good reason for a participant to attend discussions related to that participant's case.	VIII.B.
<input checked="" type="checkbox"/> <input type="checkbox"/>	45 Participants provide voluntary and informed consent permitting team members to share specified data elements relating to participants' progress in treatment and compliance with program requirements.	VIII.C.
<input checked="" type="checkbox"/> <input type="checkbox"/>	46 Court fees are disclosed to each participant, are reasonable, and are based on each participant's ability to pay. Any fees assessed by the Mental health Court must be reasonably related to the costs of testing or other services.	
<input checked="" type="checkbox"/> <input type="checkbox"/>	47 Treatment fees are based on a sliding fee schedule and are disclosed to each participant.	
<input checked="" type="checkbox"/> <input type="checkbox"/>	48 The Mental Health Court develops a remedial action plan and timetable to implement recommendations from the evaluator to improve the program's adherence to best practices.	X.D.*

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49	The Mental Health Court has written policies and procedures that ensure confidentiality and security of participant information, which conform to all applicable state and federal laws, including, but not limited to, Utah's Governmental Records Access and Management Act (GRAMA), the Health Insurance Portability and Accountability Act of 1996 (HIPAA), and 42 C.F.R. 2 (Confidentiality of Substance Abuse Disorder Patient Records).	VIII.C.*
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YES NO

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#	<b>PRESUMED CERTIFICATION CRITERIA</b> <i>There is a presumption that these standards must be met. If your program can show sufficient compensating measures, compliance with the standard may be waived.</i>	BPS
1	Eligibility and exclusion criteria are communicated to potential referral sources.	I.A.
2	The Mental Health Court regularly monitors the delivery of incentives and sanctions to ensure they are administered equivalently to all participants.	II.D.
3	Each member of the Mental Health Court team attends up-to-date training events on recognizing implicit cultural biases and correcting disparate impacts for members of historically disadvantaged groups.	II.F.
4	The Mental Health Court Judge attends current training events on legal and constitutional issues in Mental Health Courts, judicial ethics, evidence-based substance abuse and mental health treatment, behavior modification, and community supervision.	III.A.
5	The Judge presides over the Mental Health Court for no less than two consecutive years.	III.B.
6	The Judge spends an average of at least three minutes with each participant.	III.F.*
7	The Mental Health Court team relies on expert medical input to determine whether a prescription for an addictive or intoxicating medication is medically indicated and whether non-addictive, non-intoxicating, and medically safe alternative treatments are available.	IV.F.
8	Phase promotion is predicated on the achievement of realistic and defined behavioral objectives, such as completing a treatment regimen or remaining drug-abstinent for a specified period of time.	IV.I.
9	Treatment is reduced only if it is determined clinically that a reduction in treatment is unlikely to precipitate a relapse to substance use.	IV.I.
10	If testing is required, testing regimens are not scheduled in seven-day or weekly blocks. The chances of being tested should be at least two in seven every day.	VII.B.*
11	Drug test results are available within 48 hours.	VII.H.
12	Participants are required to deliver a test specimen within 8 hours of being notified that a drug or alcohol test has been scheduled.	VII.B.
13	Randomly selected specimens are tested periodically for a broader range of substances to detect any new drugs of abuse that might be emerging in the Mental Health Court population.	VII.D.
14	If a participant denies substance use in response to a positive screening test, a portion of the same specimen is subjected to confirmatory analysis using an instrumented test, such as gas chromatography/mass spectrometry (GC/MS).	VII.G.
15	Standardized patient placement criteria govern the level of care that is provided.	V.A.
16	Adjustments to the level of care are predicated on each participant's response to treatment and are not tied to the Mental health Court's programmatic phase structure.	V.A.
17	Participants who have a history of drug abuse receive a sufficient dosage and duration of substance abuse treatment to achieve long-term sobriety and recovery from addiction.	V.D.
18	Participants meet with a court manager/juvenile probation officer until formally enrolled in	V.E.

Can we discuss?

<input checked="" type="checkbox"/>	<input type="checkbox"/>		treatment.	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	19	Participants are screened for their suitability for group interventions, and group membership is guided by evidence-based selection criteria including participants' gender, trauma histories and co-occurring psychiatric symptoms.	V.E.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	20	When necessary, treatment providers administer behavioral or cognitive-behavioral treatments that are documented in manuals and have been demonstrated to improve outcomes for a juvenile with a mental health diagnosis diagnosed involved in the criminal justice system.	V.F. VI.G
<input checked="" type="checkbox"/>	<input type="checkbox"/>	21	Treatment providers are proficient at delivering the interventions and are supervised regularly to ensure continuous fidelity to the treatment models.	V.F.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	22	Treatment providers are supervised regularly to ensure continuous fidelity to evidence-based practices.	V.H.
<input type="checkbox"/>	<input type="checkbox"/>	23	Participants prepare a continuing-care plan together with their counselor to ensure they continue to engage in pro-social activities after discharge from Mental Health Court.	V.J.
<input type="checkbox"/>	<input type="checkbox"/>	24	When appropriate participants are assessed using a validated instrument for trauma history, trauma-related symptoms, and posttraumatic stress disorder (PTSD).	VI.F.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	25	All Mental Health Court team members, including court personnel and other criminal justice professionals, receive formal training on delivering trauma-informed services.	VI.F.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	26	Clients are placed in the program within 50 days of eligibility screening.	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	27	Team members are assigned to Mental Health Court for no less than two years.	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	28	All team members use electronic communication to contemporaneously communicate about Mental Health Court issues.	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	29	Subsequently, team members attend continuing education workshops on at least an annual basis to gain up-to-date knowledge about best practices on topics including substance abuse and mental health treatment, complementary treatment and social services, behavior modification, community supervision, drug and alcohol testing, team decision making, and constitutional and legal issues in Mental Health Courts.	VIII.F.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	30	New staff hires receive a formal orientation training on the Mental Health Court model and best practices in Mental Health Courts as soon as practicable after assuming their position and attend annual continuing education workshops thereafter.	VIII.F.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	31	The Mental health Court has no more than 15 active participants.	IX.A.*
<input checked="" type="checkbox"/>	<input type="checkbox"/>	32	The Mental health Court monitors its adherence to best practice standards on at least an annual basis, develops a remedial action plan and timetable to rectify deficiencies, and examines the success of the remedial actions.	X.A.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	33	A skilled and independent evaluator examines the Mental health Court's adherence to best practices and participant outcomes no less frequently than every five years.	X.D.
<input type="checkbox"/>	<input type="checkbox"/>	34	Staff members are required to record information concerning the provision of services and in-program outcomes within forty-eight hours of the respective events.	X.G.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	35	The program conducts an exit interview for self- improvement.	

YES	NO	#	<b>NON-CERTIFICATION-RELATED BEST PRACTICE STANDARDS</b> <i>These are best practice standards that research has shown will produce better outcomes. Failure to meet these standards will not result in decertification.</i>	<b>BPS</b>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	1	Treatment groups ordinarily have no more than twelve participants and at least two leaders or	V.E.



<input checked="" type="checkbox"/> <input type="checkbox"/>		facilitators.	
<input checked="" type="checkbox"/> <input type="checkbox"/>	2	Treatment providers have substantial experience working with criminal justice populations.	V.H.
<input checked="" type="checkbox"/> <input type="checkbox"/>	3	For at least the first ninety days after discharge from the Mental Health Court, treatment providers or clinical case managers attempt to contact previous participants periodically by telephone, mail, e-mail, or similar means to check on their progress, offer brief advice and encouragement, and provide referrals for additional treatment when indicated.	V.J.
<input checked="" type="checkbox"/> <input type="checkbox"/>	4	Participants are assessed using a validated instrument for major mental health disorders that co-occur frequently in Mental Health Courts, including major depression, bipolar disorder (manic depression), posttraumatic stress disorder (PTSD), and other major anxiety disorders.	VI.E.
<input checked="" type="checkbox"/> <input type="checkbox"/>	5	Participants with PTSD or severe trauma-related symptoms are evaluated for their suitability for group interventions and are treated on an individual basis or in small groups when necessary to manage panic, dissociation, or severe anxiety.	VI.F.
<input type="checkbox"/> <input checked="" type="checkbox"/>	6	Female participants receive trauma-related services in gender-specific groups.	VI.F.
<input type="checkbox"/> <input checked="" type="checkbox"/>	7	Participants are required to have a stable job, be enrolled in a vocational or educational program, or be engaged in comparable pro-social activity as a condition of graduating from Mental Health Court.	VI.I.
<input type="checkbox"/> <input checked="" type="checkbox"/>	8	Participants receive immediate medical or dental treatment for conditions that are life-threatening, cause serious pain or discomfort, or may lead to long-term disability or impairment.	VI.J.
<input type="checkbox"/> <input checked="" type="checkbox"/>	9	Before starting a Mental Health Court, team members attend a formal pre-implementation training to learn from expert faculty about best practices in Mental Health Courts and develop fair and effective policies and procedures for the program.	VIII.F.
<input checked="" type="checkbox"/> <input type="checkbox"/>	10	Supervision caseloads do not exceed fifty active participants per supervision officer.	IX.B.
<input checked="" type="checkbox"/> <input type="checkbox"/>	11	Caseloads for clinicians must permit sufficient opportunities to assess participant needs and deliver adequate and effective dosages of substance abuse treatment and indicated complementary services.	IX.C.
<input checked="" type="checkbox"/> <input type="checkbox"/>	12	The Mental Health Court continually monitors participant outcomes during enrollment in the program, including attendance at scheduled appointments, drug and alcohol test results, graduation rates, lengths of stay, and in-program technical violations and new arrests or referrals.	X.B.*
<input checked="" type="checkbox"/> <input type="checkbox"/>	13	Information relating to the services provided and participants' in-program performance is entered into an electronic database. Statistical summaries from the database provide staff with real-time information concerning the Mental Health Court's adherence to best practices and in-program outcomes.	X.F.
<input checked="" type="checkbox"/> <input type="checkbox"/>	14	Outcomes are examined for all eligible participants who entered the Mental Health Court regardless of whether they graduated, withdrew, or were terminated from the program.	X.H.
<input type="checkbox"/> <input checked="" type="checkbox"/>	15	The Mental Health Court regularly monitors whether members of historically disadvantaged groups complete the program at equivalent rates to other participants.	II.B. X.E.



# Administrative Office of the Courts

Chief Justice Matthew B. Durrant  
Utah Supreme Court  
Chair, Utah Judicial Council

May 5, 2025

Ronald B. Gordon, Jr.  
State Court Administrator  
Neira Siaperas  
Deputy State Court Administrator

## MEMORANDUM

**TO: Management Committee, Judicial Council**

**FROM: Cris Seabury Statewide Treatment Court Certification Coordinator  
Katy Burke, Statewide Treatment Court Coordinator**

**RE: Treatment Court Certification - Recommendations**

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According to UCJA [Rule 4-409](#) Council Approval of Problem-Solving Courts, each problem-solving court must be considered for certification by the Judicial Council every two years. Prior to submitting certification recommendations to the Judicial Council, Cris Seabury, the Statewide Treatment Court Certification Coordinator, conducts site visits with each court to observe the pre-court staff meeting, treatment court hearings, and to interview each treatment court team member. The certification coordinator also reviews the certification checklist approved by the Judicial Council, staffing documents and the policy and procedure manuals for each treatment court. The certification coordinator completes a jurisdiction report for each Court which includes the strengths, recommendations and resources identified through the certification process.

**Fourth District - Utah County - Judge F. Richards Smith III Juvenile Recovery Court.**

Based on the courts' answers on the certification checklist, team member interviews, and court observation the Statewide Treatment Court Certification Coordinator recommends the Judicial Council certify the Fourth District Utah County Juvenile Behavioral Health Court.

**REQUIRED CERTIFICATION CRITERIA:**

**#10. The program has a written policy addressing medically assisted treatment.** There is only one medically assisted treatment that is FDA approved for children under the age of 18. A participant meets with their primary care doctor and, if deemed necessary, is prescribed medications to assist in managing their mental health.

The mission of the Utah judiciary is to provide the people an open, fair,  
efficient, and independent system for the advancement of justice under the law.



**#29. Drug testing is random, and is available on weekends and holidays.** The Team wrote “This is about to change”. The court program manager explained that the CLIA certified lab updated their schedule to include drug testing on weekends. Additional random drug tests are completed by probation that provide immediate results.

## **PRESUMED CERTIFICATION CRITERIA**

**#5. The Juvenile Drug Court team relies on expert medical input to determine whether a prescription for an addictive or intoxicating medication is medically indicated and whether non-addictive, non-intoxicating, and medically safe alternative treatments are available.**

This is not applicable for Juvenile Treatment Courts.

**#25. The Juvenile Drug Court has more than 15 but less than 125 active participants.** The program has the capacity to allow up to 10 participants.

**#27. New referrals, new arrests, new convictions, and new incarcerations are monitored for at least three years following each participant’s entry into the Juvenile Drug Court.** The Statewide Treatment Court Steering Committee is currently working with the CORE - Problem-Solving Court Subcommittee to develop consistent data entry policy and procedures. The team requested a list of data points to start collecting.

## **NON-CERTIFICATION CRITERIA:**

**#2. The Juvenile Drug Court offers a continuum of care for substance abuse treatment including detoxification, residential, day treatment, intensive outpatient and outpatient services.** The court program provides the highest level of intervention because the participants do not qualify for residential treatment unless they are under the care of Juvenile Justice and Youth Services (JJYS). Mobile Crisis Outreach Team (MCOT), Vantage Point, the short-term youth receiving center, and the Day Skills Intervention Program provide additional support and the team is looking into additional respite options. Changes to HB 239 affected access to services for juveniles in the justice system.

**#9 Female participants receive trauma-related services in gender-specific groups.** The team checked no incorrectly. There are groups at Wasatch Behavioral Health but not at Come About Youth Services, as they do not have enough participants. Participants receive trauma-related services in individual therapy sessions.

**UTAH JUDICIAL COUNCIL**  
**JUVENILE DRUG COURT CERTIFICATION CHECKLIST**  
 REVISED AND ADOPTED 2020

COURT LOCATION: Provo Utah, 4th District  
 NAME: Juvenile Recovery Court  
 REVIEW DATE: April 10, 2025

YES	NO	#	REQUIRED CERTIFICATION CRITERIA <i>Adherence to these standards is required for certification.</i>	BPS
<input checked="" type="checkbox"/>	<input type="checkbox"/>	1	Eligibility and exclusion criteria are defined and applied objectively.	I.A.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	2	Eligibility and exclusion criteria are specified in writing.	I.A.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	3	The juvenile drug team does not apply subjective criteria or personal impressions to determine participants' suitability for the program.	I.A.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	4	Candidates for the Juvenile Drug Court are assessed for eligibility using validated risk-assessment tool that has been demonstrated empirically to predict criminal recidivism or failure on community supervision and is equivalently predictive for women and racial or ethnic minority groups that are represented in the local arrestee population.	C
<input checked="" type="checkbox"/>	<input type="checkbox"/>	5	Candidates for the Juvenile Drug Court are assessed for eligibility using validated clinical-assessment tool that evaluates the formal diagnostic symptoms of substance dependence or addiction.	C
<input checked="" type="checkbox"/>	<input type="checkbox"/>	6	Evaluators are trained and proficient in the administration of the assessment tools and interpretation of the results.	C
<input checked="" type="checkbox"/>	<input type="checkbox"/>	7	Current or prior offenses may not disqualify candidates from participation in the Juvenile Drug Court unless empirical evidence demonstrates offenders with such records cannot be managed safely or effectively in a Juvenile Drug Court.	D
<input checked="" type="checkbox"/>	<input type="checkbox"/>	8	Offenders charged with non-drug charges, drug dealing or those with violence histories are not excluded automatically from participation in the Juvenile Drug Court.	D
<input checked="" type="checkbox"/>	<input type="checkbox"/>	9	If adequate treatment is available, candidates are not disqualified from participation in the Juvenile Drug Court because of co-occurring mental health or medical conditions or because they have been legally prescribed psychotropic or addiction medication.	D
<input type="checkbox"/>	<input checked="" type="checkbox"/>	10	The program has a written policy addressing medically assisted treatment.	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	11	The Juvenile Drug Court regularly monitors the delivery of incentives and sanctions to ensure they are administered equivalently to all participants. R BPS II D	II D
<input checked="" type="checkbox"/>	<input type="checkbox"/>	12	Each member of the Juvenile Drug Court team attends up-to-date training events on recognizing implicit biases and correcting disparate impacts for members of historically disadvantaged groups. R BPS II F	II F
<input checked="" type="checkbox"/>	<input type="checkbox"/>	13	Participants ordinarily appear before the same judge throughout their enrollment in Juvenile Drug Court. R BPS III B	III B
<input checked="" type="checkbox"/>	<input type="checkbox"/>	14	The judge regularly attends pre-court staff meetings during which each participant's progress is reviewed and potential consequences for the performance are discussed by the Juvenile Drug Court team. R BPS III D	III D

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*This is about to change*

15	Participants appear before the judge for status hearings no less frequently than every two weeks during the first phase of the program.	III E
16	Status hearings are scheduled no less frequently than every four weeks until participants graduates.	III E
17	The judge spends an average of at least three minutes with each participant.	III F
18	The judge allows participants a reasonable opportunity to explain their perspectives concerning factual controversies and the imposition of sanctions, incentives, and therapeutic adjustments.	III G
19	If a participant has difficulty expressing him herself because of such factors as a language barrier, nervousness, or cognitive limitation, the judge permits the participant's attorney or legal representative to assist in providing such explanations.	IV B
20	The judge is the ultimate arbiter of factual controversies and makes the final decision concerning the imposition of incentives or sanctions that affect a participant's legal status or liberty.	III H VIII D
21	The judge makes these decisions after taking into consideration the input of other Juvenile Drug Court team members and discussing the matter in court with the participant or the participant's legal representative.	III H VIII D
22	The judge relies on the expert input of duly trained treatment professional when imposing treatment-related conditions.	III H
23	Policies and procedures concerning the administration of incentives, sanctions, and therapeutic adjustments are specified in writing and communicated in advance to Drug Court participants and team members.	IV A
24	The policies and procedures provide a clear indication of which behaviors may elicit an incentive, sanction, or therapeutic adjustment; the range of consequences that may be imposed for those behaviors; the criteria for phase advancement, graduation, and termination from the program; and legal collateral consequences that may ensue from graduation and termination.	IV A
25	The Juvenile Drug Court has a range of sanctions of varying magnitudes that may be administered in response to infractions in the program.	IV A
26	The goals that are difficult for participants to accomplish, such as abstaining from substance use or obtaining employment, the sanctions increase progressively in magnitude over successive infractions. For goals that are relatively easy for participants to accomplish, such as being truthful or attending counseling sessions, higher magnitude sanctions may be administered after only few infractions.	IV A
27	Consequences are imposed for the non-medically indicated use of intoxicating or addictive substances, including alcohol, cannabis (marijuana) and prescription medications, regardless of the licit or illicit status of the substance.	IV F
28	Drug testing is performed at least twice a week.	VII G
29	Drug testing is random, and is available on weekend and holidays.	VII B
30	Participants are required to deliver a test specimen within 8 hours of being notified that a drug or alcohol test has been scheduled.	VII B
31	Collection of test specimens is witnessed and specimens are examined routinely for evidence of dilution, tampering and adulteration.	VII G
32	The Juvenile Drug Court utilizes scientifically and valid and reliable testing procedures and establishes a chain of custody for each specimen.	VII G
33	Metabolite levels falling below industry-or manufacturer-recommended cutoff scores are not	VII I

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	interpreted as evidence of new substance use or changes in substance use patterns, unless such conclusions are reached by an expert trained in toxicology, pharmacology or a related field.	
34	Upon entering the Drug Court, participants receive a clear and comprehensive explanation of their rights and responsibilities relating to drug and alcohol testing.	VII I
35	The program requires at least 90 days clean to graduate.	
36	The minimum length of the program is twelve months.	
37	Unless a participant poses an immediate risk to public safety, detention sanctions are administered after less severe consequences have been ineffective at deterring infractions.	IV J
38	Detention sanctions are definite in duration and typically last no more than three to five days.	IV J
39	Participants are given access to counsel and a fair hearing if a detention sanction might be imposed.	IV J
40	Participants are not terminated from Juvenile Drug Court for continued substance use if they are otherwise compliant with their treatment and supervision conditions, unless they are non-amenable to the treatments that are reasonably available in their community.	IV K
41	If a participant is terminated from the Juvenile Drug Court because adequate treatment is not available, the participant does not receive an augmented disposition for failing to complete the program. R BPS* IV K	V.I.
42	Participants are not incarcerated to achieve clinical or social service objectives such as obtaining access to detoxification services.	V B
43	Treatment providers are licensed or certified to deliver substance abuse treatment. R BPS V H	V H
44	Participants are not excluded from participation in DUI Court because they lack a stable place of residence.	VI.D.
45	Participants complete a final phase of the Drug Court focusing on relapse prevention and continuing care.	V J
46	At a minimum, the prosecutor, defense counsel, treatment representative, law enforcement/probation and the judge attend each staffing meeting. R BPS VII A*	VI.I.*
47	At a minimum, the prosecutor, defense counsel, treatment representative, law enforcement/probation and the judge attend each Juvenile Drug Court session.	VII A
48	Pre-court staff meetings are presumptively closed to participants and the public unless the court has a good reason for a participant to attend discussions related to that participant's case.	VIII B
49	Participants provide voluntary and informed consent permitting team members to share specified data elements relating to participants' progress in treatment and compliance with program requirements.	VII C
50	Court fees are reasonable and based on each participant's ability to pay.	
51	Treatment fees are based on a sliding fee schedule.	
52	A skilled and independent evaluator examines the drug Court's adherence to best practices and participant outcomes no less frequently than every five years.	X D
53	The Juvenile Drug Court develops a remedial action plan and timetable to implement recommendations from the evaluator to improve the program's adherence to best practices.	X D

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YES NO

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#	<b>PRESUMED CERTIFICATION CRITERIA</b> <i>There is a presumption that these standards must be met. If your program can show sufficient compensating measures, compliance with the standard may be waived.</i>	<b>BPS</b>
1	Eligibility and exclusion criteria are communicated to potential referral sources.	I A
2	The program admits only participants who are high risk need as measure by a validated risk and need assessment tool.	I B
3	The Juvenile Drug Court attends current training events on legal and constitutional issues in Drug Courts, judicial ethics, and evidence-based substance abuse and mental health treatment, behavior modification and community supervision.	III A
4	The judge presides over the Juvenile Drug Court for no less than two consecutive years.	III B
5	The Juvenile Drug Court team relies on expert medical input to determine whether a prescription for an addictive or intoxicating medication is medically indicated and whether non-addictive, non-intoxicating, and medially safe alternative treatments are available.	IV F
6	Phase promotion is predicted on the achievement of realistic and defined behavioral objectives, such as completing a treatment regimen or remaining drug-abstinent for a specified period of time	IV I
7	Treatment is reduced only if it is determined clinically that a reduction in treatment is unlikely to precipitate a relapse to substance use.	IV I
8	Testing regimens are not scheduled in seven-day or weekly blocks. The chances of being tested should be at least two in seven every day.	VII B
9	Drug Testing results are available within 48 hours.	VII H
10	Randomly selected specimens are tested periodically for a broader range of substances to detect any new drugs of abuse that might be emerging in the Drug Court population.	VII D
11	If a participant denies substance use in response to a positive screening test, a portion of the same specimen is subjected to confirmatory analysis using an instrumented test, such as gas chromatography/mass spectrometry (GC-MS).	VII G
12	Standardized patient placement criteria govern the level of care that is provided.	V A
13	Adjustments to the level of care are predicated on each participant's response to treatment and are not tied to the Juvenile Drug Court's programmatic phase structure.	V A
14	Participants receive a sufficient dosage and duration of substance abuse treatment to achieve long-term sobriety and recovery from addiction.	V D
15	Participants are screened for their suitability for group interventions, and group membership is guided by evidence-based selection criteria including participants' gender, trauma histories and co-occurring psychiatric symptoms.	V E
16	Treatment providers are proficient at delivering the interventions and are supervised regularly to ensure continuous fidelity to the treatment models.	V F
17	Treatment providers are supervised regularly to ensure continuous fidelity to evidence-based practices.	V H
18	Participants suffering from mental illness receive mental health services beginning in the first phase of Juvenile Drug Court and continuing as needed throughout their enrollment in the program.	V I
19	Participants complete a brief evidence-based educational curriculum describing concrete measures they can take to prevent or revers drug overdose.	VI L

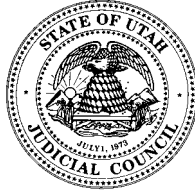


<input checked="" type="checkbox"/>	<input type="checkbox"/>	20	Clients are placed in the program within 50 days of screening for eligibility.	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	21	Team members are assigned to Juvenile Drug Court for no less than two years.	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	22	All team members use electronic communication to contemporaneously communicate about Juvenile Drug Court issues.	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	23	Subsequently, team members attend continuing education workshops on at least an annual basis to gain up-to-date knowledge about best practices on topics including substance abuse and mental health treatment, complementary treatment and social services, behavior modification, community supervision, drug and alcohol testing, team decision making, and constitutional and legal issues in Juvenile Drug Courts.	VIII F
<input checked="" type="checkbox"/>	<input type="checkbox"/>	24	New staff hires receive a formal orientation training on the Juvenile Drug Court model and best practices in DUI Courts as soon as practicable after assuming their position and attend annual continuing education workshops thereafter.	VIII F
<input type="checkbox"/>	<input checked="" type="checkbox"/>	25	The Juvenile Drug Court has more than 15 but less than 125 active participants.	IX C
<input checked="" type="checkbox"/>	<input type="checkbox"/>	26	The Juvenile Drug Court monitors its adherence to best practice standards on at least an annual basis, develops a remedial action plan and timetable to rectify deficiencies, and examines the success of the remedial actions.	X A
<input type="checkbox"/>	<input checked="" type="checkbox"/>	27	New referrals, new arrests, new convictions, and new incarcerations are monitored for at least three years following each participant's entry into the Juvenile Drug Court.	X C
<input checked="" type="checkbox"/>	<input type="checkbox"/>	28	Staff members are required to record information concerning the provision of services and in-program outcomes within forty-eight hours of the respective events.	X G
<input checked="" type="checkbox"/>	<input type="checkbox"/>	29	The program conducts an exit interview for self-improvement.	

YES	NO	#	<b>NON-CERTIFICATION-RELATED BEST PRACTICE STANDARDS</b> <i>These are best practice standards that research has shown will produce better outcomes. Failure to meet these standards will not result in decertification.</i>	<b>BPS</b>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	1	The Juvenile Drug Court regularly monitor whether members of historically disadvantaged groups complete the program at equivalent rates to other participants.	II B XE
<input type="checkbox"/>	<input checked="" type="checkbox"/>	2	The Juvenile Drug Court offers a continuum of care for substance abuse treatment including detoxification, residential, day treatment, intensive outpatient and outpatient services.	V B
<input checked="" type="checkbox"/>	<input type="checkbox"/>	3	Participants meet with a treatment provider or clinical case manager for at least one individual session per week during the first phase of the program.	V E
<input checked="" type="checkbox"/>	<input type="checkbox"/>	4	Treatment groups ordinarily have no more than twelve participants and at least two leaders or facilitators.	V E
<input checked="" type="checkbox"/>	<input type="checkbox"/>	5	Treatment providers administer behavioral or cognitive –behavioral treatments that are documented in manuals and have been demonstrated to improve outcomes for addicted persons involved in the juvenile justice system.	V F
<input checked="" type="checkbox"/>	<input type="checkbox"/>	6	Treatment providers have substantial experience working with juvenile justice populations.	V H
<input checked="" type="checkbox"/>	<input type="checkbox"/>	7	Participants are assessed using a validated instrument for major mental health disorders that co-occur frequently in Juvenile Drug Courts, including major depression, bipolar disorder (manic depression), posttraumatic stress disorder (PTSD), other major anxiety disorders.	VI E
<input checked="" type="checkbox"/>	<input type="checkbox"/>	8	Participants with PTSD or severe trauma-related symptoms are evaluated for their suitability for group interventions and are treated on an individual basis or in small groups when	VI F

<input type="checkbox"/>	<input checked="" type="checkbox"/>		necessary to manage panic, dissociation, or severe anxiety.	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	9	Female participants receive trauma-related services in gender-specific groups.	VI F
<input checked="" type="checkbox"/>	<input type="checkbox"/>	10	All Drug Court team members, including court personnel and other criminal justice professionals, receive formal training on delivering trauma-informed services.	VI F
<input checked="" type="checkbox"/>	<input type="checkbox"/>	11	Participants prepare a continuing-care plan together with their counselor to endure they continue to engage in pro-social activities and remain connected with a peer support group, as appropriate, after their discharge from the Juvenile Drug Court.	VJ
<input checked="" type="checkbox"/>	<input type="checkbox"/>	12	For at least the first ninety days after discharge from the Drug Court, treatment providers or clinical case managers attempt to contact previous participants periodically by telephone, mail, e-mail, or similar means to check on their progress, offer brief advice and encouragement, and provide referrals for additional treatment when indicated.	VJ
<input checked="" type="checkbox"/>	<input type="checkbox"/>	13	Before starting a Juvenile Drug Court, team members attend a formal pre-implantation training to learn from expert faculty about best practices in Juvenile Drug Courts and develop fair and effective policies and procedures for the program.	VII F
<input checked="" type="checkbox"/>	<input type="checkbox"/>	14	Caseloads for clinicians must permit sufficient opportunities to assess participant needs and deliver adequate and effective dosages of substance abuse treatment and indicted complementary services.	X
<input checked="" type="checkbox"/>	<input type="checkbox"/>	15	Information relating to the services provided and participant' in-program performance is entered into an electronic database. Statistical summaries from the database provide staff with real-time information concerning the Juvenile Drug Court's adherence to best practices and in-program outcomes.	X F
<input checked="" type="checkbox"/>	<input type="checkbox"/>	16	Outcomes are examined for all eligible participants who entered the Juvenile Drug Court regardless of whether they graduated, withdrew, or were terminated from the program. B BPS X H	X H

Tab 12



# Administrative Office of the Courts

Chief Justice Matthew B. Durrant  
Utah Supreme Court  
Chair, Utah Judicial Council

May 5, 2025

Ronald B. Gordon, Jr.  
State Court Administrator  
Neira Siaperas  
Deputy State Court Administrator

## MEMORANDUM

**TO:** Management Committee / Judicial Council  
**FROM:** Keisa Williams  
**RE:** Ethics Advisory Committee – Member Appointments

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**Name of Committee:** Ethics Advisory Committee. Membership is set forth in [CJA 1-205\(1\)\(B\)\(ii\)](#).

**Current committee member list:**

NAME	ROLE
Vacant	Juvenile court judge
Judge Ryan Harris	Judge from the Court of Appeals
Judge Gregory Lamb	District court judge (1 <sup>st</sup> , 5 <sup>th</sup> , 6 <sup>th</sup> , 7 <sup>th</sup> , or 8 <sup>th</sup> district)
Judge Trent Nelson	Justice court judge
Judge Laura Scott (Chair)	District court judge (2 <sup>nd</sup> , 3 <sup>rd</sup> , or 4 <sup>th</sup> district)
Lara Swenson	Attorney from the Bar or a college of law

**New appointments:** The juvenile court judge position is vacant due to Judge Paul Dame's retirement. The Board of Juvenile Court Judges nominated Judge Elizabeth Knight to fill the vacancy and Judge Knight has agreed to serve. Judge Harris will be replacing Judge Mortensen on the Judicial Conduct Commission on July 1, 2025. The Court of Appeals will nominate a replacement at its bench meeting on May 8<sup>th</sup> and the name of the nominee will be provided to the Management Committee at its meeting on May 13, 2025.

**Reappointments:** Lara Swensen and Judge Gregory Lamb are seeking to be reappointed for a second, three-year term.

Both Judge Nelson's and Judge Scott's second terms have ended. However, Judge Scott requests an extension on both her term and Judge Nelson's term until such time as the committee can resolve an outstanding opinion. Judge Nelson has agreed to this extension. Once the opinion is resolved, the Board of District Court Judges and the Board of Justice Court Judges will be asked for nominations to fill those roles.

The mission of the Utah judiciary is to provide an open, fair,  
efficient, and independent system for the advancement of justice under the law.

Tab 13





# Administrative Office of the Courts

Chief Justice Matthew B. Durrant  
Utah Supreme Court  
Chair, Utah Judicial Council

April 16, 2025

Ronald B. Gordon, Jr.  
State Court Administrator  
Neira Siaperas  
Deputy State Court Administrator

## MEMORANDUM

**TO:** Management Committee

**FROM:** Tilda Willie, Tribal Liaison

**RE:** Tribal Liaison Committee Membership and Chair Approval

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The Tribal Liaison Committee was established as a standing committee of the Judicial Council by UCJA [Rule 3-422](#) on November 1, 2024.

UCJA [Rule 1-205\(1\)\(B\)\(xiv\)](#) establishes the composition of the Tribal Liaison Committee. The following judges and representatives have indicated their willingness to serve as a member of this committee:

One district court judge: Judge Stephen Nelson  
One juvenile court judge: Judge Cas White  
One justice court judge: Judge Danalee Welch-O'Donnal  
One appellate court judge: Judge John Luthy  
One federal district court judge or magistrate: Cecelia M. Romero  
One tribal court judge: Still pending  
Two representatives of Utah's Indian Tribes or affiliated community group:  
    (1) Craig Sandoval -Utah Urban Indian center  
    (2) Still pending  
The Tribal Liaison: Tilda Willie  
One trial court executive: Travis Erickson (I think this is correct, yes?)  
One clerk of court or designee: Dawn Hautamaki  
One representative Utah State Bar Indian Law Section: Brian Davis  
One representative United States Attorney's Office: Andrea Martinez  
One representative from the Indigent Defense Commission: Still pending  
One representative from Guardian ad Litem's Office: Stacey Snyder

UCJA Rule 1-205(1)(C) establishes that the Judicial Council will designate the chair of each standing committee. It is recommended that Judge Cas White be appointed the Chair of the Tribal Liaison Committee.

**The mission of the Utah judiciary is to provide the people an open, fair, efficient, and independent system for the advancement of justice under the law.**

**Request:**

The following is requested of the Management Committee:

It is respectfully requested that the Management Committee approve the foregoing names of judges and other representatives for the Tribal Liaison Committee and forward the request to the Judicial Council for their consideration.. It is also respectfully requested that the Management Committee appoint Judge Cas White to fill the Chair position on the Tribal Liaison Committee and to forward the request to the Judicial Council for their consideration.